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I

✓ Contains laws, statutes, etc.

THE
EDUCATIONAL MANUAL

FOR

UPPER CANADA:

CONTAINING THE

LAWS, REGULATIONS, &c.

RELATING TO COMMON AND GRAMMAR SCHOOLS,
THE UNIVERSITY OF TORONTO,
&c. &c. &c.

WITH EXPLANATORY NOTES,
SANCTIONED BY THE CHIEF SUPERINTENDENT OF SCHOOLS.

TORONTO:
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PREFACE.

The Educational Manual, owes its origin to the same cause that first prompted the publication of the Municipal Manual, viz., the necessity of supplying the various parties employed in carrying into successful operation the Municipal and Common School organization of Canada, with such a manual of reference on these subjects as might enable them creditably to discharge the duties devolving upon them.

In preparing for the press the fifth edition of the Municipal Manual, the attention of the editor was drawn to the fact, that although the Common Schools were in some measure connected with the Municipalities, still the Educational System of the Province might justly be considered as an entirely independent structure, and entitled as such to separate notice, he therefore excluded from the Municipal Manual all matter appertaining to Schools, determining to supplement that work with one exclusively devoted to the subject of Education, the Educational Manual is the result.

The Editor cannot submit the work to the public, without (as in justice bound) acknowledging his great obligations to MR. THOMAS HODGINS of the Educational Office, to whom he is indebted for the Explanatory Notes to the School Acts, &c., for the Digest of the Decisions in the Courts of Law, and generally for a liberal devotion of his time and attention to the work in every part.

To the Rev'd. Dr. McCaul and Rev'd. Dr. Scadding, his thanks are also due for their kindness in furnishing him with information relative to the University and Upper Canada College.

The Editor trusts that the Educational Manual will now be found all that it professes to be, and instrumental in promoting still further the universal spread of *Education* in the Province.

J. B.

TORONTO, January, 1856.

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CONTENTS.

	PAGE
Common School Act 1850, (13th and 14th Vic. cap. 48),.....	3
Separate School Act 1851, (14th and 15th Vic. cap. 111),.....	38
Supplementary School Act 1853, (16th Vic. cap. 185),.....	39
Roman Catholic Separate School Act 1855,.....	51
Common School Fund Act, (12 Vic. cap. 200),.....	55
Grammar and Common School Act, 1855, (18 Vic. cap. 132)	57
Grammar School Act 1853, (16th Vic. cap. 186),.....	59
“ Sites Act, (9th Vic. cap. 17).	67
School Sites Act, (18th Vic. cap. 121),.....	68
King's College Charter, (7th Will. 4 cap. 16),.....	70
Toronto University Act, (16th Vic. cap. 89),.....	78

APPENDIX.

Common School Regulations.....	97
Grammar School Regulations.....	162
Normal School Regulations.....	105
Upper Canada College Terms	106
University College Terms.....	107
Studies in Provincial Model School.....	108
Books used in Common Schools.....	109
Studies in Grammar Schools.....	110
Text Books for Grammar Schools	110
Studies in Upper Canada College	112
University of Toronto, Degrees &c. conferred by.....	113
Decisions of Chief Superintendent of Schools.....	130
Forms for Common School Purposes.....	142
Regulations for Examination of Teachers	149
Decisions of Law Courts.....	151
Regulations for School Libraries.....	155
Superannuated Teachers' Fund.....	159
Educational Department, U. C.....	162
University of Toronto, &c.....	162
Educational Officers in Upper Canada.....	163
Council of Public Instruction.....	163
Upper Canada College.....	164
Bursar's Department. University of Toronto.....	164
Analytical Index.....	165

COMMON SCHOOLS.

ACT 13 & 14 VIC., CAP. 48.

An Act for the better establishment and maintenance of Common Schools in Upper Canada.

[Royal Assent, 24th July, 1850.]

Whereas it is expedient to make provision for the better establish- Preamble.
ment and maintenance of Common Schools in the several Villages,
Towns, Cities, Townships and Counties of Upper Canada: Be it there-
fore enacted by the Queen's Most Excellent Majesty, by and with the
advice and consent of the Legislative Council and of the Legislative
Assembly of the Province of Canada, constituted and assembled by
virtue of, and under the authority of, an Act passed in the Parliament
of the United Kingdom of Great Britain and Ireland, and intituled,
An Act to re-unite the Provinces of Upper and Lower Canada, and
for the Government of Canada, and it is hereby enacted by the autho-
rity of the same, That the Act of the Parliament of this Province,
passed in the seventh year of Her Majesty's Reign, and intituled, *An*
Act for the better establishment and maintenance of Common Schools Two Acts
in Upper Canada, and also the Act passed in the twelfth year of repealed.
Her Majesty's reign, chapter eighty-three, and intituled, *An Act for*
the better Establishment and maintenance of Public Schools in Upper
Canada, and for repealing the present School Act, shall be, and the
same are hereby repealed: Provided always, nevertheless, firstly, that Proviso.
no Act, or part of an Act, repealed by either of the Acts hereby repeal-
ed, shall be revived by the passing of this Act: And provided also,
secondly, that the repeal of the said Acts shall not extend, or be con-
strued to extend, to any act done, any penalty incurred, or any proceed-
ing had under the said Acts, or either of them: And provided also,
thirdly, that all School Sections or other School divisions, together with All school divi-
all elections and appointments to office, all agreements, contracts, assess- sions, elections,
ments, and rate-bills, made under the authority of the said Acts, or of appointments,
any preceding Act, and not annulled by the said Acts, or by this Act, contracts, &c.,
or by any of them, shall be valid and in full force and binding upon confirmed
all parties concerned, as if made under the authority of this Act, and
shall so continue until altered, modified, or suspended, according to the
provisions of this Act: And provided also, fourthly, that nothing herein
contained shall affect the liability of any District, County, City, Town Liability of
Local
Superintendents.

PAGE

3

38

39

51

55

57

59

67

68

70

78

97

162

105

106

107

108

109

110

110

112

113

130

142

149

151

155

159

162

162

163

163

164

164

165

COMMON SCHOOL ACT.

Legislative
School Grant
continued.

or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the Consolidated Revenue Fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

FIRST—ELECTION AND DUTIES OF SCHOOL TRUSTEES.

Annual school
meetings.

II. And be it enacted, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities, and Townships of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon.*

One Trustee in
each school sec-
tion to be elected.

III. And be it enacted, That in all School divisions (except in Cities, Towns and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office: Provided always, that the same individual, if willing, may be re-elected: And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Provide: as to
re-election.

Mode of calling
the first school
meeting in a new
section.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.†

* The business of an annual meeting in a school section is specified in the sixth section of this Act; but in a city, town, or village, the twenty-third section limits it to the Election of Trustees.

† In default of holding the meeting as above, the ninth section authorizes any two freeholders or householders in the new section, to call a meeting, after the expiration of the time here specified.

V. And be it enacted, That at every such first school section meeting, the majority of the freeholders or householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting: and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary: And it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the freeholders or householders in such section, three Trustees who shall respectively continue in office as follows: the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively: Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.*

Mode of proceeding at first meeting.

Election of Chairman and Secretary; their duties.

A poll when to be granted.

Three Trustees to be elected.

Order of retiring from Office.

Proviso.

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized and required to be held by the second section of this Act,† it shall be the duty of the freeholders or householders of such section, present at such meeting, or a majority of them—

Proceedings at annual meetings.

Firstly.—To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the fifth section of this Act.

Chairman and Secretary.

Secondly.—To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act.‡

Annual financial report.

Thirdly.—To elect one or more persons as Trustee or Trustees, to fill up the vacancy or vacancies in the Trustee Corporation, according to

Election of Trustees.

* At a first school meeting, the Trustees elected must be freeholders or householders in the section.

† Trustees are not required to state the business of an annual meeting in their notification, as the law expressly specifies it; and nothing but what is there specified can be considered at such meeting. If the Trustees have other business to bring forward, they must state it in their notice.—C. S. D. No. 9.

‡ The annual meeting audits the accounts of the Trustees—whether the money received by them has been properly accounted for.—C. S. D. No. 32. But should the meeting terminate without notice of incorrect accounts, no action can be taken (except at a special meeting called by the Trustees for that purpose, should they agree to do so, or in a court of law,) until the next annual meeting.

law: Provided always, that no Teacher in such section shall hold the office of School Trustee.*

Expenses of the School.

Fourthly.—To decide upon the manner in which the salary of the Teacher or Teachers, and all the expenses connected with the operation of the School or Schools, shall be provided for.†

Challenging voters.

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration :

Declaration required.

"I do declare and affirm that I am a freeholder (*or* householder) in "this school section, and that I am legally qualified to vote at this "meeting."‡

Proviso: false declaration for voting illegally.

And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected: Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions; or by a penalty of not less than One Pound Five Shillings, or more than Two Pounds Ten Shillings, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section.

Mode of recovering penalty.

Refusing to serve as Trustee.

VIII. And be it enacted, That if any person chosen as Trustee shall refuse to serve, he shall forfeit the sum of One Pound Five Shillings; and every person so chosen and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of Five Pounds; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before

* By the fourteenth section of the Supplementary Act, no Local Superintendent can be a Trustee in a school section; and by the sixth proviso in the fourth section of the same Act supporters of separate schools are ineligible as Trustees of public common schools. In the case of a contested election in a school section, an appeal can be made to the Local Superintendent.

† Three modes of supporting the school are open to an annual meeting to decide upon: (1) voluntary subscription; (2) rate-bill of one shilling and three pence (or less) per month, on children attending the school; and (3) rate on property. But as the Trustees alone (4th, 5th and 17th clauses, 12th section,) determine the amount required for the support of the school; and as the ninth section of the Supplementary Act, in connection with the latter part of the first proviso in the second clause of the thirty-first section of this Act, requires them to maintain a school for at least six months, the latter part of the seventh clause of the twelfth section following, authorizes such Trustees to provide for deficiencies, by a rate upon the property of the section, should the vote of the annual meeting not cover all expenses; or for all the expenses of the school, (over and above the cheques from the School Fund) should the annual meeting omit or refuse to decide as above—C. S. D. Nos. 2, 24, 34.

‡ By the sixth proviso in the fourth section of the Supplementary Act, supporters of separate schools have no votes at public common school elections.

any such Justice of the Peace:* Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

Proviso: resigning as Trustee.

IX. And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall, respectively or individually, forfeit the sum of One Pound Five Shillings, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace: Provided always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any two freeholders or householders in such section, are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places in such school section: and the meeting thus called shall possess all the power, and perform all the duties of the meeting in the place of which it shall have been called.

Not giving due notice of meetings.

Mode of recovering penalty.

Mode of calling meeting in default of annual meeting, &c.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of "The Trustees of School Section Number , in the Township of , in the County of :"[†] Provided always, that no such Corporation of any

Trustees to be a Corporation.

Proviso.

school section shall cease by reason of the want of Trustees, but in case of such want, any two freeholders or householders of such section shall have authority, by giving six days' notice to be posted in at least three public places in such section, to call a meeting of the freeholders or householders, who shall proceed to elect three Trustees, in the manner prescribed in the fifth section of this Act; and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said fifth section of this Act.

Mode of electing new Trustees.

XI. And be it enacted, That in any case of difference as to the site of a school-house between the majority of the Trustees of a school section and a majority of the freeholders or householders, at a special meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the Local Superintendent, or any person appointed by him to act on his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter.[‡]

Mode of deciding on the site of a school house.

* Persons not freeholders or householders in the section, if elected Trustees, are not subject to fine, on refusing to serve.

† The Trustees, being a corporation, must use a corporate seal in all their acts, otherwise they may become personally liable for contracts or rates.—1 U. C. C. P. R. 373. The acts of the majority are binding upon the Corporation.—C. S. D. Nos. 6, 15.

‡ The sixth section of the Supplementary Act requires a special meeting to consider the question of a new school site.

Duties of
Trustees.

XII. And be it enacted, That it shall be the duty of the Trustees of each school section :

Secretary-
Treasurer: his
duties.

Firstly.—To appoint one of themselves, or some other person, to be Secretary-Treasurer to the Corporation; and it shall be the duty of such Secretary-Treasurer to give such security for the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees; to keep a record of all their proceedings, in a book procured for that purpose; to receive and account for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section; to disburse such moneys in such manner as may be directed by the majority of the Trustees.*

Collector: his
duties.

Secondly.—To appoint, if they shall think it expedient, a Collector (who may also be Secretary-Treasurer), to collect the rates they have imposed, or shall impose, upon the inhabitants of their school section, or which the said inhabitants may have subscribed; and to pay such Collector, at the rate of not less than five or more than ten per cent. on the moneys collected by him, for his trouble in collecting; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same powers, by virtue of a warrant, signed by a majority of the Trustees, in collecting the school-rate or subscription, and shall proceed in the same manner, as ordinary Collectors of County and Township rates or assessments.†

His remunera-
tion.

To give security.

Powers.

Trustees to have
the keeping of
the school prop-
erty.

Thirdly.—To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.‡

Providing school
premises.

Fourthly.—To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property which shall be held by them; and for procuring apparatus and text books for their School; also to rent, repair, furnish, warm, and keep in order a school-house and its

Apparatus and
books.

* The forty-third section of this Act provides a remedy against defaulting Secretary-Treasurers.

† Trustees may appoint one of themselves, or their Teacher, or any other person, to be collector; but should they find no one to act for them, they must collect the rate themselves.

‡ This clause vests all school property belonging to the section in the Trustee Corporation.

Teacher's residence

appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.*

Fifthly.—To contract with and employ all Teachers for such school Teachers. section, and determine the amount of their salaries;† and to establish, if they shall deem it expedient, by and with the consent of the Local Superintendent of Schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally. Female school.

Sixthly.—To give the Teacher or Teachers employed by them the necessary order or orders upon the Local Superintendant for the School Fund apportioned and payable to their school section: Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.‡ Orders to Teachers for money.

Seventhly.—To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting, or a special meeting called for that purpose; and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses: And should the sums, thus provided, be insufficient to defray all the expenses of such school, the Trustees shall have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such school.§ Providing for salaries of Teachers and expenses of the school. And for deficiencies.

Eighthly.—To make out a list of the name of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a Warrant directed to the Collector of the school section, for the collection of the several sums mentioned in such list: Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.|| To make out a rate-bill list and Warrant. Provide: such rate-bill how payable.

* On appeal of the Chief Superintendent from the judgment of a County Judge, the Court of Queen's Bench decided that Trustees have authority to levy a rate for the erection of a school house, the same as for the support of the school.—12 U. C. B. R. In changing the site of a school house, Trustees must first obtain the sanction of a public meeting.

† Agreements between Trustees and a Teacher must be signed by at least two of the Trustees and the Teacher, and must have the corporate seal of the section attached. But no corporation has power to make an agreement providing the Teacher with board and lodging.—7 U. C. B. R. 130, C. S. D. No. 40 (cl. 2). Agreements made after the 1st of October, are not binding after the annual meeting, unless signed by the two Trustees remaining in office.

‡ Trustees refusing to give an order to a Teacher for the school fund, according to their agreement with him, cannot be sued as for money due; but for refusal to give the order.—7 U. C. B. R. 130.

§ While Trustees are bound to carry out the lawful decision of their constituents as explained in note †, page 6, no public meeting can limit, or deprive them of, the authority conferred by the latter part of this clause.—C. S. D. Nos. 12, 40, (cl. 3.)

|| Property rates must be levied equally on all taxable property within the section, whether of residents, or non-residents; but in doing so it is not necessary for Trustees to pass a by-law

To apply to the Township Council for raising school money.

Duty of Township Clerk.

To exempt indigent persons.

Teacher's salary not to be lessened.

To sue non-resident defaulters.

To fix the place of the school meeting.

To call special meetings.

Mode of conducting special meetings.

Proviso:

To admit persons to attend the

Ninthly.—To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessor's or Collector's Roll; and the Township Clerk or other officer having possession of such roll is hereby required to allow any one of the Trustees, or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section.*

Tenthly.—To exempt, wholly or in part, from the payment of school-rates, such indigent persons as they shall think proper; and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher.

Eleventhly.—To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, and making default of payment.†

Twelfthly.—To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting; to call and give like notices of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school purpose, as they may think proper; to specify the object or objects of such meeting; which meeting shall be organized, and its proceedings recorded in the same manner, as those of an annual school meeting; and a copy of them, in like manner, shall be transmitted to the Local Superintendent; Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term.‡

Thirteenthly.—To permit all residents in such section between the

2 U. C. C. P. R. 317, 4 U. C. C. P. R. 228. Where rate-bills are levied, every pupil of the age (5 to 21), specified on entering the school, is liable for the monthly or quarterly rate-bill levied, although such pupil may attend only a few days.

* The Township Council is bound to comply with the request of the Trustees if made before August, and if it has not previously levied a rate (other than for a school site or house) during the year. But the Trustees may levy according to the periods of the preceding, eighth, clause.

† This clause applies only to non-resident parents or guardians of children attending a rate-bill or subscription school, and to such absentee proprietors as are not provided for in the twenty-second section of the Supplementary Act.

‡ Trustees are bound to call a special meeting to determine the school site, should a change be necessary, or should a difference of opinion be known to exist on the subject. In case of refusal, Trustees are subject to the fine imposed by the ninth section of this Act. The proceedings of an annual or other meeting (except the election of a Trustee), may be re-considered, or amended, at a special meeting called by the Trustees for that purpose—C. S. D. No. 21.

ownship, or employ
ment, for the raising
of hereinbefore pro-
prietors of such
able property, as
the Township Clerk
may be required to allow
to make a copy of
on.*

payment of school-
r; and the amount
ole inhabitants of
om the salary of a

name of office, the
sons residing with-
out of payment.†

school meeting, and
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such meeting; to
the freeholders or
ny vacancy in the
r any other cause
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al school meeting;
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vacancy in the office
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fill such vacancy,

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vided, every pupil of the
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Trustees if made before
(cl. 10 or 11) during
ceeding, eighth, clause.

ildren attending a rate-
not provided for in the

site, should a change be
the subject. In case of
of this Act. The pro-
, may be re-considered,
—C. S. D. No. 21.

ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and so long as the fees or rates required to be paid on their behalf, are duly discharged:* Provided always, that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established, according to the nineteenth section of this Act. school, on condi-
tions.
Exceptions.

Fourteenthly.—To visit the school from time to time, and see that it is conducted according to the regulations authorized by law. To visit the
school, &c.

Fifteenthly.—To see that no un-authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law; and to procure annually, for the benefit of their school section, some periodical devoted to education. To see that prop-
er books are
used.

Sixteenthly.—To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.† To be personally
responsible in
certain cases.

Seventeenthly.—To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries. To appoint a
librarian and pro-
vide a library.

Eighteenthly.—To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint To ascertain the
number of chil-
dren of school
age.
To read the school
report.
Proceeding if the
account is not
satisfactory to the
majority of the
meeting.

* All persons (whether residents or not) who have property within the limits of the section have the right to send their children between the ages of 5 and 21 to the school, on the above conditions, and no others—that the teacher's attention be not occupied from those for whom he is employed. Children boarding in the section with persons not their legal guardians, are not residents.

† Contracts or agreements without the corporate seal are binding upon the parties as individuals.—C. S. D. No. 40, (cl. 2.) But a Corporation is not liable to pay for an unfinished school house, although erected for and accepted by the Trustees, if the contract therefor be without the corporate seal.—4 U. C. C. F. R. 373.

- Arbitrators;** another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or, if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized, by the twelfth section of this Act, to collect school-rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the common school purposes of such section.*
- Their powers.** *Nineteenthly.*—To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent;† which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:
- To prepare and transmit the annual school report.** *Firstly.*—The whole time the school in their section shall have been kept by a qualified Teacher during the year ending the thirty-first day of the previous December.
- Contents of such report:** *Secondly.*—The amount of moneys received from the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys have been expended.
- Time of keeping the school open.** *Thirdly.*—The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.
- Amount of moneys received and expended.** *Fourthly.*—The branches of education taught in the school; the number of pupils in each branch; the text books used; the number of public School examinations, lectures and visits, and by whom, and such other information respecting the school premises and Library, as may be required in the form of a report provided by the Chief Superintendent of Schools.
- Number of children.**
- Attendance of pupils.**
- Average attendance.**
- Branches taught, &c.**
- Penalty for a**

XIII. And be it enacted, That every Trustee of a Common School

* The object of this clause is to prevent the Trustees from perverting any part of the school fund to private purposes, but not to limit the exercise of the power conferred upon them by the several preceding clauses—C. S. D. No. 33.

† By the tenth section of the Supplementary Act, Trustees are subject to a fine, for delaying their report after the 31st January.

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who shall knowingly sign a false report, and every Teacher of a Com-
mon School who shall keep a false school register, or make a false
return, with the view of obtaining a larger sum than the just proportion
of school moneys coming to such Common School, shall, for each offence,
forfeit to the Common School Fund of the Township, the sum of five *£s.*
pounds, and may be prosecuted before any such Justice of the Peace,
by any person whatever, and convicted on the oath of any one credible
witness other than the prosecutor, and if convicted, the said penalty
shall, if not forthwith paid, be levied with costs, by distress and sale of
the goods and chattels of the offender, under Warrant of such Justice,
and paid over by him to the said Common School Fund; or the said
offender shall be liable to be tried and punished for the misdemeanor.*

false report by a
Trustee; or false
register or return
by a Teacher.

To be sued for
before a J. P.
having
jurisdiction in the
section.

XIV. And be it enacted, That no foreign books in the English
branches of Education shall be used in any Model or Common School,
without the express permission of the Council of Public Instruction;
nor shall any pupil in any such School be required to read or study in
or from any religious book, or join in any exercise of devotion or reli-
gion, which shall be objected to by his or her parents or guardians:
Provided always, that within this limitation, pupils shall be allowed to
receive such religious instruction as their parents and guardians shall
desire, according to the general regulations which shall be provided
according to law.†

Foreign books,—
when only to be
used.

Parental and re-
ligious rights
protected.

Provided.

Religious
instruction.

SECONDLY.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.

XV. And be it enacted, That no Teacher shall be deemed a quali-
fied Teacher within the meaning of this Act, who shall not, at the time
of his engaging with the Trustees, and applying for payment from the
School Fund, hold a certificate of qualification, as hereinafter provided
by this Act; Provided always, that certificates of qualification given by
local Superintendents, shall be in force until the first of January, one
thousand eight hundred and fifty-one.‡

A qualified
teacher defined.

Provided.

XVI. And be it enacted, That it shall be the duty of every Teacher
of a Common School—

Duties of
Teachers.

Firstly.—To teach diligently and faithfully all the branches required To observe the

* Where the above is suspected or complained of, the Local Superintendent should require a return showing the particulars in detail.

† The Lord's Prayer, and such other prayers as may be read, with the reading of a portion of Scripture, are recommended for the opening and closing exercises of each school; but each child is required to repeat the Lord's Prayer and the Ten Commandments at least once a week: subject, in all cases, to the wish of his parents or guardians.

‡ Trustees have no power to collect rates for an unqualified Teacher. Certificates granted by the Chief Superintendent are valid in any part of Upper Canada; those granted by a County Board, within its jurisdiction. Temporary certificates may be granted by Local Superintendents, under the fourteenth section of the Supplement. Act.

Law and agreement.

to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

Registers.

Discipline.

Visitors' book.

Secondly.—To keep the daily, weekly, and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law;* also to keep a Visitors' Book (which the Trustees shall cause to be provided for that purpose); and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

Quarterly examinations.

Thirdly.—To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to their parents and guardians, and the Trustees of the school; and of which he shall also give due notice to any School Visitors, who shall reside in, or adjacent to, such school section.

Information to the Superintendents.

Fourthly.—To furnish to the Local or Chief Superintendent of Schools when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in any wise affecting its interest or character.

To deliver papers, &c.

Proviso.

Fifthly.—To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the Registers and Visitors' Book, appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such Registers and Visitors' Book.

Protection of Teachers.

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, as Teacher of the school, according to their engagement with him: Provided always, that in case of any difference between Trustees and a Teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit each matter in dispute to arbitration, and each party shall choose one Arbitrator; and in case either party in the first instance shall neglect or refuse to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within three days, inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which

Differences between Trustees and Teachers to be settled by arbitration.

* The Teacher has authority to apply corporal punishment if necessary to enforce obedience; but, he that *governs* without it, is the best teacher—C. S. D. No. 39.

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notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such Arbitrator, then the party requiring such arbitration, shall and may nominate and appoint the second Arbitrator, and the two Arbitrators in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final.—[*Second Proviso repealed by 16 Vic. ch. 185, sec. 15.**]

Neglect of opposite party to appoint an arbitrator.

Power of Arbitrators.

THIRDLY.—DUTIES OF TOWNSHIP COUNCILS.

XVIII. And be it enacted, That it shall be the duty of the Municipality of each Township in Upper Canada:

Duties of Township Councils.

Firstly,—To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the Teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act:† Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence; and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.‡

Levying assessments for school purposes, as desired by Trustees.

Authorising loans for school purposes.

And providing for repayment.

Secondly.—To levy, at its discretion, such sum or sums, as it shall judge expedient, for procuring the site, and for the erection and support of a Township Model School; and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided always, that the Members of the Township Municipality shall

Establishing a Township Model School and Library.

Council to be

* By this section of the Supplementary Act no financial or other dispute, between Trustees and a Teacher can be brought into any Court of Law or Equity; but must be settled by arbitration. The warrant of the arbitrators has the same power as an execution of a Division Court.

† If a Township Council refuses to comply, a Mandamus from one of the Superior Courts of Law will compel it. It is held by Chief Justice Mccaulay, and the Chief Superintendent, that all rates levied by a Municipality or section must be on property, not inhabitants—2 U. C. C. P. R. 317.

‡ Trustees of a school section cannot borrow money without authority from the Township Council; but the vote of a special meeting is not necessary to authorize their application.

Trustees of
such school.

be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School: Provided also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools into such Model School; and provided likewise that tuition to student-teachers in such Model School shall be free.

Proviso: Union
of other schools.

Forming new
school sections.

Thirdly.—To form portions of the Township, where no schools have been established, into school sections; to appoint a person in each new school section to call the first school section meeting; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.*

Altering and
uniting school
sections.

Fourthly.—To alter any school section already established; and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose: Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this Act in respect to a new school section: Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application: Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund to which they would have been entitled, had they not been altered or united; and Provided fourthly, that any school-site, or school-house, or other school property which shall not be required, in consequence of such alteration or union of school sections, shall be disposed of by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose; and the proceeds shall be applied to the erection of a new school-house, or other common school purposes of such united or altered sections; except that the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a portion of the proceeds of the disposal of such school-house

Proviso:
First meeting in a
united section.

Alterations
in school sections,
when to go into
effect.

Parties concerned
to be apprized.

Rights of
altered sections
secured.

Disposal of
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Special Meeting.

Effect of transfer.

* The Council cannot deprive territory of school organization.

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or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated: * Provided fifthly, that union school sections consisting of parts of two or more Townships, may be formed and altered (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified: Provided sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school-house, as belonging to the Township in which the school-house may be situated.†

Union school sections of different Townships, how formed and altered.

[See 16 Vic. c. 183, s. 17.]

Effect of such union.

Fifthly.—To cause the Clerk of such Township, to furnish the Local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all school assessments, and other educational matters.

Copies of certain proceedings to be furnished.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics, or coloured people; and in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under

Separate schools for Protestants, Roman Catholics and Coloured people.

[See 14 & 15 Vic. c. 111.]

Under same regulations as Common Schools for elections and commencement.

* Any alteration in the boundaries of a section may be effected after due notice to all the parties interested, and independently of the consent or request of its Trustees or inhabitants. But the union of two or more sections into one, by which one new corporation is substituted for several previously existing, cannot be effected without the concurrence of the inhabitants of each of the sections concerned, expressed at special meetings called by the Trustees for that purpose.—C. S. D. No. 1. The Court of Queen's Bench in confirming the decision of the Chief Superintendent, holds that an alteration in the boundaries of a section creates no necessity for a first school meeting, or a new election of Trustees—12 U. C. Q. B. R. The union of two or more sections into one is equivalent to the formation of a new section, and goes into operation (unless specially deferred to a fixed date) immediately after the action of the Township Council; but the union of parts of adjoining Townships, and an alteration in boundaries, have no effect until the 25th December following the act. In all cases, nothing can be done by, or on behalf of, an altered or united section, until after the date fixed for the coming into effect of such alteration or union.

† By the proviso in the seventeenth section of the Supplementary Act, any union section, composed as above, may be disunited by either of the Township Councils concerned, on compliance with the conditions which apply to the alteration of boundaries.

Manner of
electing Trustees
for the same.

Apportioning
school moneys,
same as to
Common Schools.

[See 16 Vic. c. 185
s. 4.]

Condition of
Establishment.

Proviso: as to
certain returns.

All the school
sections in a
Township under
the management
of one Board of
Trustees.

Five Trustees to
form the Board.

the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children; and none but the parties petitioning for the establishment of, or sending children to, a separate Protestant or Roman Catholic School, shall vote at the election of Trustees of such school: Provided thirdly, that each such separate Protestant, or Roman Catholic, or coloured, school, shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic; nor shall any Roman Catholic separate school be allowed, except when the Teacher of the Common School is a Protestant; Provided fifthly, that the Trustees of the Common School sections, within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.*

XX. And be it enacted, That whenever the majority of the resident householders of the several school sections of any Township, at public meetings called by Trustees for that purpose, shall desire to abolish local school section divisions, and have all their schools conducted under one system and one management, like the schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request, thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees, one of whom shall be chosen in and for each ward of the Township, if the Township be divided into wards, and if not, then the whole number shall be chosen in and for the whole Township,

* Separate Schools may be established, in school sections, by the Township Council, and in cities, towns or villages, by the Board of School Trustees, on the following conditions: (1) Application from twelve resident heads of families, of the religious persuasion, or of the colored people, desiring it. (2) That where a sectarian school is applied for, the Teacher of the public school be of a different religious faith from the applicants (as defined in the fourth proviso). (3) That the limits, in a Township or Village, be not less than to include the applicants, nor more than the whole Township or Village; and in a city or town, not less than a ward, or as many united wards as the applicants desire. (4) That the separate section go into operation on the 25th December following; and that the Council or Board appoint a person to call the first meeting after that date. At a first election in a coloured section, all the coloured people within its limits may vote; but in a sectarian section, only the parties signing the application. When elected, the three Trustees are a corporation, and have the powers of Trustees of school sections in respect to their supporters; and such separate school corporation continues thereafter, until voluntarily dissolved. Supporters of the separate school are exempted from public school rates by the fourth section of the Supplementary Act; but municipal authority cannot be employed to collect their rates. Separate Schools are under the same regulations in regard to the Legislative Grant, visits and reports, as public common schools.

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and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the twenty-fourth section of this Act.*

FOURTHLY—COUNCILS AND TRUSTEES IN CITIES, TOWNS AND INCORPORATED VILLAGES, AND THEIR DUTIES.

XXI. And be it enacted, That the Council or Common Council of each City or incorporated Town in Upper Canada, shall be and is hereby invested, within its limits and liberties as prescribed by law, and shall be subject to the same obligations as are the Municipal Council of each County, and the Municipality of each Township, by the eighteenth and twenty-seventh sections of this Act:† Provided nevertheless, that the appointment of the Local Superintendent of Schools for such City or Town, shall be made by the Board of School Trustees for such City or Town.‡

Powers of
Municipal
Councils in Cities
and Towns.

Proviso.

XXII. And be it enacted, That in each ward into which any City or Town is or shall be divided according to law, two fit and proper persons shall be elected School Trustees by a majority of all the taxable inhabitants of such ward;§ one of which Trustees (to be determined by lot at the first Trustee meeting after their election) shall retire from office the second Wednesday of January following his election; and the second of whom shall continue in office one year longer, and until his successor is elected; and the persons thus elected shall form one Board of School Trustees for such City or Town.||

First election of
two Trustees in
each Ward.

Order of retiring
from Office,

Board of School
Trustees.

XXIII. And be it enacted, That on the second Wednesday in January of each year, at the time prescribed by the second section of this Act, one fit and proper person shall be elected Trustee in each ward of every City and Town, and shall continue in office two years, and until his successor is elected;¶ Provided always, that such election

Annual Trustee
Election in each
ward of a City or
Town,

* This requires such a number of section meetings as will represent a majority of the resident householders in the Township,—and not a majority in each school section,—to authorize the change. The first election of five Trustees follows the passing of the by-law (unless its operation is deferred to a fixed date), as the change is equivalent to the union of sections. All the Trustees retire at each annual meeting, the same as Township Councillors, but may be re-elected, subject to the provisos of the third section of this Act, and the wishes of the electors.

† Cities, towns and villages are Counties for school purposes.

‡ The duties of the Clerk and Treasurer are pointed out by the 1st, 3rd, 4th and 5th clauses of the twenty-seventh section.

§ It is held by Chief Justice Robinson, that "taxable inhabitants" include freeholders and householders, properly rated as such, and not persons rated for statute labor only—9 U. C. Q. B. R. 682. The third section of the Supplementary Act provides for the trial of doubtful votes at the meeting; and the School Act of 1855 (13 Vic.) provides for the trial of contested elections. Supporters of separate schools are ineligible as voters or trustees for public schools.

|| On a change in the incorporation of any municipality—as from a school section to a village, from a village to a town, from a town to a city, or the division of a town into wards—all the old Trustees retire, and a new board must be elected. When a new ward is set off from those previously existing within the municipality, two Trustees must be elected therein, and added to the Board.

¶ No other business than the election of a Trustee or Trustees can come before the annual meeting, unless specially stated in the notice calling it.

To be conducted
as a Municipal
Election.

shall be held at the place where the last municipal election was held for such ward, and under the direction of the same returning officer; or, in his default, of such person as the electors present shall choose; and such election shall be conducted in the same manner as an ordinary municipal election in each ward of such City or Town.

Board to be a
Corporation.

XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a corporation under the name of "The Board of School Trustees of the City (or Town) of _____ in the County of _____;" (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board :*

Duties.

To appoint cer-
tain Officers, &c.

Firstly.—To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more Collectors of school rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them,—of conducting and recording their proceedings,—and of keeping all their School accounts.

To hold school
property, &c.

Secondly.—To take possession of all Common School property, and to accept and hold as a Corporation, all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law; and to apply the same, or the proceeds, to the objects for which they have been given or acquired.

To provide com-
mon school prem-
ises, text-books,
&c.

Thirdly.—To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises,—building, repairing, furnishing, warming and keeping in order the school-house or school-houses and its or their appendages, lands, enclosures and moveable property,—for procuring suitable apparatus and text-books,—and for the establishment and maintenance of a school library or school libraries.

To determine the
number and kind
of school's; em-
ploy Teachers,
&c.

Fourthly.—To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town,†—the Teacher or Teachers who shall be employed,—the terms of employing them,—the amount of their remuneration, and the duties which they are to perform,—the salary of the Superintendent of Schools appointed by them, and his duties; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the

* These powers are extended to the united Grammar and Common School Board in each city, town and village, provided for in the Grammar and Common School Acts 16 Vic. and 18 Vic. The Board may appoint a Secretary-Treasurer if it thinks proper.

† Members of School Trustees have unlimited discretion as to the number of schools to be kept open, and are not subjected to the restrictions in this respect imposed upon trustees of school sections—9 U. C. B. R. 302.

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of schools to be kept
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Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School.

Fifthly.—To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each school within such City or Town, and under such regulations as they shall think proper to prescribe, a Committee of not more than three persons for each school.

A Committee to take the charge of each School.

Sixthly.—To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient for paying the whole or part of the salaries of Teachers,—for purchasing or renting school premises,—for building, renting, repairing, warming, furnishing and keeping in order the school houses and their appendages and grounds,—for procuring suitable apparatus and text-books for the schools,—for the establishment and maintenance of school libraries,—and for all the necessary expenses of the schools under their charge; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by the said Board of School Trustees.*

To make an estimate of expenses.

The Municipal Council to provide for such expenses.

Seventhly.—To levy, at their discretion, any rates upon the parents or guardians of children attending any school under their charge; and to employ the same means for collecting such rates, as Trustees of Common Schools in any Township may do under the twelfth section of this Act: Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.†

To levy school rate bills.

The sums thus collected to be paid over.

Eighthly.—To give orders to Teachers, and other school officers and creditors, upon the Chamberlain or Treasurer of such City or Town, for the sum or sums which shall be due them.‡

To give orders for money to Teachers, &c.

Ninthly.—To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act, for the appointment of annual

To call school meetings.

*A municipal council has no discretion to reject or modify the estimate of the Board. In such cases, a peremptory mandamus will issue. *Ibid.* The Board may however levy the amount by its own authority. This applies to the united Board of Grammar and Common School Trustees.

† By this clause, no rate-bills can be levied in any city, town, or village, except by the Board; and all such rate-bills must be paid to the Municipality Treasurer, or to the Secretary Treasurer. The collection of rates and rate-bills must be made by the warrant of the Board. But no rate-bill can exceed one shilling and three-pence per month.

‡ The Treasurer of the Municipality is bound to honor all such orders, or be liable for refusal.

As to persons
elected to fill va-
cancies.

and special school meetings in the school sections of Townships;* Pro-
vided always, that any person elected at any special ward school meet-
ing, to fill a vacancy which shall have occurred in the Board of Trus-
tees, from any cause whatever, shall hold office only during the unex-
pired part of the term for which the person whose place shall have
become vacant, was elected to serve.

Supplying proper
text-books, &c.

Tenthly.—To see that all the pupils in the schools are duly supplied
with an uniform series of authorized text-books,—to appoint a Libra-
rian, and take charge of the school library or libraries, whenever estab-
lished.

Further duties.

Eleventhly.—To see that all the schools under their charge are
conducted according to the regulations authorized by law; and, at the
close of each year, to prepare and publish in one or more of the public
papers, or otherwise, for the information of the inhabitants of such
City or Town, an annual report of their proceedings, and of the progress
and state of the schools under their charge,—of the receipts and expen-
diture of all school moneys,†—and to prepare and transmit annually,
before the fifteenth of January, to the Chief Superintendent of Schools,
a report, signed by a majority of the Trustees, and containing all the
information required in the reports of Common School Trustees by the
twelfth section of this Act, and any additional items of information
which may be lawfully required, and made according to a form which
shall be provided for that purpose by the Chief Superintendent of
Schools.

Annual School
reports, &c.

Annual report to
the Chief Super-
intendent.

Contents of such
report.

Powers of Coun-
cils of incorpo-
rated Villages.

XXV. And be it enacted, That the Municipality of every incorpo-
rated Village, shall possess and exercise all the powers, and be subject
to all the obligations with regard to the levying and raising of moneys
for Common School purposes, and for the establishment and mainten-
ance of school libraries, within the limits of such incorporated Village,
as are conferred and imposed by this Act upon the Municipal Corpora-
tions of Cities: Provided always, that on the second Wednesday in
January, one thousand eight hundred and fifty-one, in each such incor-
porated Village, at the place of the then last annual election of Coun-
cillors, there shall be a meeting of the taxable inhabitants of such incor-
porated Village, and which meeting shall be organized and conducted
in the same manner as is prescribed in the twenty-third section of this
Act, for the conducting of annual school meetings in the wards of

First election of
Trustees.

How held and
conducted.

* The notices must be posted in at least three public places in the electoral district six days
preceding the election. No special election can last more than one day, unless otherwise ex-
tended in the notice calling it.

† An this is the only provision for rendering a public financial account to their constituents,
the Board in each city, town, or village, is bound to comply. The annual meeting in these
municipalities has no authority in financial matters. Should any mismanagement of school
funds be complained of, the forty-third section of this Act provides a remedy.

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Cities and Towns: and at such meeting, six fit and proper persons, from among the resident householders, shall be elected School Trustees, for such incorporated Village; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three; the first class shall hold office one year,—the second, two years, and the third, three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent; Provided secondly, that there shall be a like school meeting, annually, in each such incorporated Village, at which two persons shall be chosen Trustees in the place of the two retiring from office, and shall continue in office (three) years, and until their successors are elected: * [Third Proviso repealed by 16 Vic., cap. 185, sec. 2.]

Six Trustees to be elected.

Mode of retirement from Office.

Two Trustees to be elected thereafter.

XXVI. And be it enacted, That the Trustees elected in each incorporated Village, according to the provisions of the preceding section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such incorporated Village; and shall be a Corporation under the title of "The Board of School Trustees of the Incorporated Village of _____, in the County of _____," and shall possess all the powers, and be subject to all the obligations, within the limits of such incorporated Village, as are conferred and imposed by the twenty-fourth section of this Act upon the Trustees of Cities and Towns.

Trustees substitute for the previous Trustees.

To be a Corporation.

Their powers, obligations and duties.

FIFTHLY.—DUTIES OF COUNTY MUNICIPAL COUNCILS.

XXVII. And be it enacted, That it shall be the duty of the Municipal Council of each County—

Duties of County Councils.

Firstly.—To cause to be levied each year upon the several Townships of such County, such sum or sums of money, for the payment of the salaries of legally qualified Common School Teachers, as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk;† Provided always, that the sum or sums, so levied, may be increased at the discretion of such Council, either to increase the County School Fund,‡ or to give special or additional aid to

To raise a sum equal to the Legislative school grant.

Such sum may be increased.

* The business of a first, as well as an annual, school meeting in a village, is specially limited to the election of Trustees, and thus differs from school section meetings. The first election in a newly incorporated village, or town not divided into wards, is to be held on the second Wednesday in January, under the direction of the Municipal Returning Officer, as provided by the second section of the Supplementary Act.

† Where deficiencies occur, the fortieth section requires a corresponding deduction from the Grant next payable.

‡ The "County School Fund" includes the Legislative Grant and the Municipal Assessment and is apportioned by the Local Superintendent, to school sections, and not to teachers, according to the instructions of the Chief Superintendent.

Time for payment of County school assessment

No Teacher to be refused the payment on account of the non-collection of assessment.

To raise money for school library.

To appoint local Superintendents.

No local Superintendent to have charge of more than 100 schools, &c.

To secure all school moneys, &c.

No deduction allowed.

May appoint sub-treasurers.

new or needy School Sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County, in each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the Fourteenth day of December; And provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's County School Fund; but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.*

Secondly.—To raise by assessment such sum or sums of money as it shall judge expedient, for the establishment and maintenance of a County Common School Library.

Thirdly.—To appoint annually a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act) and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided always, that no such Local Superintendent shall have the oversight of more than one hundred schools;† And provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools, of the appointment and address of each such Local Superintendent, and of the County Treasurer; and shall likewise furnish him with a copy of all proceedings of such Council, relating to school assessments and other educational matters.‡

Fourthly.—To see that sufficient security be given by all officers of such Council to whom school moneys shall be entrusted;§ to see that no deduction be made from the School Fund by the County Treasurer or Sub-Treasurer, for the receipt and payment of school moneys,—to appoint, if it shall judge expedient,|| one or more Sub-Treasurers of school

* This applies to the sub-treasurer also; and in case of his refusal, the holder of the order may sue in any court having jurisdiction to the amount claimed—C. S. D. No. 25. The neglect of the County Council to make the necessary provision does not invalidate this responsibility.

† No Teacher or school section Trustee can be appointed Local Superintendent. County Councils have no jurisdiction over cities, towns or villages in school matters.

‡ Each county, city, town, and village clerk should transmit his report of these appointments before the first of March.

§ In case of default where no security was taken, the forty-third section of this Act makes the individual members of the Corporation liable for the amount lost; and the eighty-seventh section of the Consolidated Assessment Act authorises a like amount to be retained out of any public moneys coming to the municipality. Any person aggrieved by the default may recover from the corporation.

|| These words leave the appointment of sub-treasurers optional.

moneys, for one or more Townships of such County; Provided always, that each such Sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-Treasurer, as are imposed by this Act upon each County Treasurer, in respect to paying and accounting for school moneys.*

Fifthly.—To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and to report to such Council;† and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March, in each year, a certified copy of the abstract of such report; and also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.

To cause school accounts to be audited, &c.

Abstract of such accounts to be transmitted, &c.

SIXTHLY—CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

XXVIII. And be it enacted, That the Board of Trustees for the County Grammar School and the Local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County: Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public Instruction for such circuit:‡ Provided also, that at any lawful meeting of such Board, not less than three members, including a Local Superintendent of Schools, shall constitute a *quorum* for examining and giving certificates of qualification to Common School Teachers; and not less than five members shall constitute a *quorum* for the transaction of any other business: Provided likewise, that the incidental expenses connected with the meeting and proceedings of each County Board of Public Instruction, shall be provided for by the Municipal Council of such County.

County Board of Public Instruction constituted.

Quorum for the examination of Teachers: and for other purposes.

Incidental expenses how defrayed.

* No sub-treasurer can receive the school fund until he has entered into bonds to the Council appointing him.

† The auditors should see that (1) the last year's balance; (2) the last year's uncollected rates, and any absence rates; (3) the Legislative Grant, and (4) the Municipal Assessment are properly accounted for; and that all payments have been made to Teachers, or their orders, by cheques from the Local Superintendent.

‡ A Circuit Board is established by the coming into operation of the act of the Council dividing the County into Circuits. But before such Circuit can have legal effect, a Grammar School must exist or be authorized within its limits.

Duties of each
County Board.

XXIX. And be it enacted, That it shall be the duty of each County Board of Public Instruction—

To meet quarterly,
&c.

Firstly.—To meet not less than four times a year,—to determine the time and places of its own meetings,—and the order of its proceedings, and the manner of recording them.

To examine and
give certificates of
qualification to
Teachers.

Secondly.—To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law;* also, to annul any such certificate as it shall judge expedient: Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character;† nor to any person who shall not, at the time of applying for such certificate of qualification, be a natural-born or naturalized subject of Her Majesty, or who shall not produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident; and all Justices of the Peace are hereby authorized to administer such oath of allegiance: Provided also, that any such certificate of qualification shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination: Provided likewise, that every such certificate shall have the signature of at least one Local Superintendent of Schools.

Proviso.

Conditions.

Proviso: certificate may be general or limited.

Proviso: must be signed.

To select text-books, &c.

Thirdly.—To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of such County or Circuit, and to ascertain and recommend the best facilities for procuring such books.

To promote interests of schools.

Fourthly.—To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or Circuit.

SEVENTHLY—DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

Remuneration.

XXX. And be it enacted, That each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act, shall be entitled annually, to not less than one pound cur-

* The programme states the minimum of qualifications required in Teachers of each class.

† The moral character of our schools rests with the County Boards of Public Instruction.

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remuneration or allowance which the Council appointing him shall grant; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer. To be paid quarterly.

XXXI. And be it enacted, That it shall be the duty of each Local Superintendent of Schools,* Duties.

First.—As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge,† to apportion the same among the several School sections entitled to receive it, (unless otherwise instructed by the Chief Superintendent of Schools) according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken) as compared with the whole average number of pupils attending the Common Schools of such Township.‡ To distribute the common school fund.
Uniform ratio.

Secondly.—To give to any qualified Teacher, and to no other, on the order of the Trustees of any School section, a Check upon the County Treasurer or Sub-Treasurer, for any sum or sums of money apportioned and due to such section:§ Provided always, that he shall not pay any such order of the Trustees of any school section, from whom no satisfactory annual school report shall have been received for the year ending the last day of December preceding; nor unless it shall appear by such report, that a School has been kept by a qualified Teacher in such section, for at least six months during the year ending at the date of such report; Provided also, that the foregoing conditions shall not apply to the order or orders of Trustees in any new School section, for money apportioned and due to such section.|| To give checks to Teachers for schools moneys.
Conditions.
Conditions not to apply to new school sections.

Thirdly.—To visit each Common School within his jurisdiction, at least once in each quarter; and at the time of each such visit, to examine into the state and condition of the School, as respects the progress To visit each school.

* These duties are extended by the fourteenth section of the Supplementary Act.

† The County Clerk should notify the amount of Legislative Grant in June, and of the Municipal Assessment in December.

‡ The mean average attendance is obtained by dividing the half year's aggregate attendance by a fixed divisor,—either the total number of teaching days in the half-year (i.e., all the secular days, less the allowed holidays), or, the total number of days in such half-year; but only one of these modes can be adopted, and applied to each school. The following are the allowed holidays: every alternate Saturday in the year; eight days at Easter; the first two weeks in August; and eight days at Christmas. Teaching, or attendance, on these days, cannot be allowed, in apportioning the school fund.

§ Cheques must be payable to the Teacher, or his order. No cheque can be given without the Teacher holding a certificate of qualification, and presenting an order signed by a majority of his Trustees.

|| The general conditions which entitle a section to the school fund are (1) a report for the preceding year; showing that (2) a school has been kept open by a qualified Teacher for at least six months of such preceding year; (3) The transmission of the current half year's return of attendance. The first two are the "conditions" which do not apply to new sections.

Duties at such visitations.	of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the School Registers,—the average attendance of pupils, the character and condition of the building and premises,—and to give such advice as he shall judge proper.*
To deliver public lectures.	<i>Fourthly.</i> —To deliver in each school section, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young.
Topics.	
Other duties.	
To enforce the law.	<i>Fifthly.</i> —To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,—to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.
To recommend the use of text books, &c.	
To attend the meetings of the County Board and Chief Superintendent.	<i>Sixthly.</i> —To attend the meetings of the County Board of Public Instruction,—to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such County, for the promotion of the interests of Education.
To attend arbitrations.	<i>Seventhly.</i> —To attend the Arbitrations, and to meet the Townreeves, as provided for in the twelfth and eighteenth sections of this Act,—to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him; Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools: Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools.
To decide other questions.	
Or refer them to the Chief Superintendent.	
Proviso: for appeal.	<i>Eighthly.</i> —To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper: Provided always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board: Provided also, that the cancelling or suspension of a Teacher's certificate of qualification shall release his School Trustees from any obligation to continue him in their employment.†
To suspend certificates of qualification in certain cases.	
Effect of such cancelling.	

* Half-yearly visits are provided for by the Supplementary Act, unless otherwise directed by the County Council.

† The suspension of a Teacher's certificate does not annul the Trustees' agreement with him;

Ninthly.—To act in accordance with the regulations and instructions which shall be provided according to law,—to give any information in his power (when desired) to the Chief Superintendent of Schools respecting any Common School matter within his jurisdiction,—to furnish the County Auditors, when required, with the Trustees' orders as the authority for his Checks upon the County or Sub-Treasurer for School moneys,—to deliver copies of his official correspondence, and all school papers in his custody, to the order of the County Council on retiring from office.

To observe all lawful regulations, &c., give information to Chief Superintendent, and send accounts, &c., to auditors.

Tenthly.—To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent, and which shall state:

To transmit an annual school report.

Contents of such report.

1st.—The whole number of Schools and School sections or parts of sections in each Township within his jurisdiction.

Number of schools and of children of school age, &c.

2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen,—the number between the ages of sixteen and twenty-one years,—the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

3rd.—The length of time a school shall have been kept in each of such sections or parts of sections, by a qualified Teacher,—the branches taught,—the number of pupils in each branch, and the books used,—the average attendance of pupils, both male and female, in summer and in winter.

Time of keeping the schools open: branches taught.

Books, used, &c.

4th.—The amount of moneys which have been received and collected in each section or part of section—distinguishing the amount apportioned by the Chief Superintendent of Schools, the amount received from County Assessment, the amount raised by Trustees, and the amount from any other and what source or sources; also, how such moneys have been expended, or whether any part remains unexpended, and from what causes; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended, &c.

5th.—The number of his and other School visits during the year,—the number of school lectures delivered,—the whole number of school-houses, their sizes, character, furniture and appendages, the number rented, the number erected during the year, and of what character, and by what means.

The number of school visits and lectures.

Of school houses, &c.

but only leaves it optional with them to continue him or not. The suspension deprives the Teacher of his legal title, and of the protection afforded by the seventeenth section of this Act. The word "Teacher" in the School Acts means a person holding the legal certificate of that title, from the parties authorized to grant the same, as defined in the fifth section of this Act (p. 13).

Of Teachers, &c.

Of private
schools, libraries,
&c.

6th.—The number of qualified Teachers,—their standing, sex, and religious persuasion,—the number, so far as he may be able to ascertain, of private Schools,—the number of pupils and subjects taught therein,—the number of Libraries, their extent, how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make with a view to the improvement of Schools and diffusion of useful knowledge.

Who shall be
school visitors.

Proviso: as to
County Magis-
trates.

School visitors
may visit the
schools, attend
examinations of
each school, &c.

Proviso: general
meetings may be
called.

Duties and ob-
jects of such
meetings.

Chief Superinten-
dent of Schools
for Upper Cana-
da.

EIGHTHLY.—SCHOOL VISITORS AND THEIR DUTIES.

XXXII. And be it enacted, That all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School Visitors in the Townships, Cities, Towns and Villages where they shall respectively reside: Provided always, that persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns and Cities: Provided also, that each Clergyman shall be a School Visitor in any Township, Town or City where he may have pastoral charge.*

XXXIII. And be it enacted, That it shall be lawful for each of the said School Visitors, to visit, as far as practicable, all the Public Schools in such Township, City, Town or Village; especially to attend the quarterly examinations of Schools, and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teachers and pupils, and any others present, as he may think advisable, in accordance with the regulations and instructions which shall be provided in regard to School Visitors according to law; Provided always, that a General Meeting of such Visitors may be held at any time or place which may be appointed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village, and it shall be lawful for such Visitors, thus assembled, to devise such means as they may deem expedient for the efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

NINTHLY.—DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

XXXIV. And be it enacted, That the Governor may, from time to time, by Letters Patent under the great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Schools for Upper Canada, who shall hold his office during pleasure, and shall

* Separate Schools being under the same regulations, in respect to the persons for whom they are established, as Common Schools,—i.e., being for a particular denomination, and not for all,—clergymen of other denominations cannot visit such Separate Schools in their clerical capacity.

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OF SCHOOLS.

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may hereafter be provided by law, for the Superintendent of Education
in Lower Canada; and shall be responsible to, and subject to the di-
rection of the Governor General, communicated to him through such
Department of Her Majesty's Provincial Government, as by the Gover-
nor may be directed in that behalf; and shall account for the contingent
expenses of his office, as provided in respect of other public offices; and <sup>To account for
the contingent
expenses of his
Office.</sup>
shall be allowed two Clerks, who shall receive the same salaries as are
or shall be by law attached to similar offices in the education law for
Lower Canada, to commence from the first of July, one thousand eight <sup>To be allowed
two clerks; their
salaries.</sup>
hundred and fifty.

XXXV. And be it enacted, That it shall be the duty of the Chief Duties.
Superintendent of Schools—

Firstly.—To apportion, annually, on or before the first day of May, <sup>To apportion all
moneys granted
for the support of
common schools.</sup>
all moneys granted, or provided, by the Legislature for the support of
Common Schools in Upper Canada, and not otherwise appropriated by
this Act, to the several Counties, Townships, Cities, Towns and incor-
porated Villages therein, according to the ratio of population in each, as
compared with the whole population of Upper Canada; or when the
census or returns upon which such an apportionment is to be made, shall
be so far defective, in respect to any County, Township, City, Town or
Village, as to render it impracticable for the Chief Superintendent to
ascertain from such data the share of school moneys which ought then
to be apportioned to such County, Township, City, Town or Village,
he shall ascertain, by the best evidence in his power, the facts upon
which the ratio of such apportionment can be most fairly and equitably
made, and make it accordingly.

Secondly.—To certify such apportionment made by him to the In-
specter-General, so far as it relates to the several Counties, Cities,
Towns and incorporated Villages in Upper Canada, and to give imme-
diate notice thereof to the Clerk of each County, City, Town and
Village interested therein, stating the time when the amount of moneys
thus apportioned will be payable to the Treasurer of such County, City,
Town or Village. <sup>To certify such
apportionment to
the Inspector
General, &c.</sup>

Thirdly.—To prepare suitable forms, and to give such instructions as <sup>To prepare forms
&c., and transmit
them to local
officers.</sup>
he shall judge necessary and proper, for making all reports, and con-
ducting all proceedings under this Act; and to cause the same with such
general regulations, as shall be approved of by the Council of Public
Instruction, for the better organization and government of Common
Schools, to be transmitted to the officers required to execute the provi-
sions of this Act.

To cause copies of school law, regulations, &c., to be distributed.

Fourthly.—To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common Schools, and to cause the same to be distributed for that purpose.

To see that school moneys are duly applied.

Fifthly.—To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose, to decide upon all matters and complaints submitted to him (and not otherwise provided for by this Act) which involve the expenditure of any part of the School Fund;* and to direct the application of such balances of the School Fund as may have been apportioned for any year and forfeited according to the provisions of this Act: Provided always, that such balances of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

Disposal of balances of such moneys, &c., in certain cases.

To appoint a Deputy and Special Inspectors.

Sixthly.—To appoint one of his Clerks as his Deputy, to perform the duties of his office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or examine into any school matter, in the County where such person or persons reside, and report to him: Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Duties as to the Normal School and text-books.

Seventhly.—To take the general superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the Schools generally.

School libraries.

Eighthly.—To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns and Villages,—to provide and recommend the adoption of suitable plans of School-houses, with the proper furniture and appendages,—and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

Plans of school houses, &c.

Ninthly.—To submit to the Council of Public Instruction, all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council, for their introduction as text-books or library books,—and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries, as he shall deem necessary and proper.

To submit books, manuscripts, &c., for approval.

To prepare general regulations, &c.

* Parties appealing, are required to furnish the opposite party with a correct copy of their complaint to the Chief Superintendent; and in all communications to give the section, township, official title, and post office, with the numbers and dates of any previous correspondence on the same subject.

Tenthly.—To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided also, that no aid shall be given towards the establishment or support of any School Library, unless an equal amount be contributed and expended from local sources for the same object.

To apportion moneys for school libraries.

Provide: condition of such apportionment.

Eleventhly.—To appoint proper persons to conduct County Teachers' Institutes; and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes, and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

To appoint persons to conduct Teachers' Institutes, &c.

Twelfthly.—To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor,—and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To account for moneys, &c.

Thirteenthly.—To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada; showing the amount of moneys expended in connection with each, and from what sources derived; with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

To report annually to the Governor.

TENTHLY.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor.

Council of Public Instruction for U. C.

Of whom to consist.

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time by giving due notice to the other members; that the expenses attending the proceedings of the said Council, shall be accounted for by the Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording

Providing a place and defraying expenses of the meetings of such Council, &c.

Recording Clerk.

His duties.

Clerk to the said Council,—shall enter all its proceedings in a book kept for that purpose,—shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

Duties of the Council.

XXXVIII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a quorum for the transaction of business)—

To regulate its own proceedings.

First.—To appoint a Chairman, and establish the times of its meetings, and the mode of its proceedings; which Chairman shall be entitled to a second or casting vote in cases of an equality of votes on any question.

To provide for permanent establishment and efficiency of Normal School.

Secondly.—To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools, for the instruction and training of Teachers of Common Schools in the science of Education and Art of Teaching.

To make rules for the Normal School: prescribe terms of admission, &c.

Thirdly.—To make, from time to time, the rules and regulations necessary for the management and government of such Normal School, —to prescribe the terms and conditions on which students shall be received and instructed therein,—to select the location of such school, and erect or procure and furnish the buildings therefor,—to determine the number and compensation of teachers, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.

To make regulations for the government of common schools.

Fourthly.—To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools,—the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

To examine and recommend books.

Fifthly.—To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries: Provided always, that no portion of the Legislative School Grant shall be applied in aid of any school, in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.

Proviso.**To account annually for the Normal School grant.**

Sixthly.—To transmit, annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

ELEVENTHLY.—MISCELLANEOUS PROVISIONS.

XXXIX. And be it enacted, That a sum not exceeding Fifteen Hundred Pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant, to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall from time to time be adopted by the Council of Public Instruction.

Grant for the Normal School.

And to facilitate the attendance of Teachers.

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised, annually, by local assessment, shall constitute the Common School Fund of such County, Township, City, Town or Village; and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools: Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising, by assessment, a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year, a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

Common School fund defined.

Conditions of apportionment.

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding, for the encouragement of a Teacher's Institute, under the regulations hereinbefore provided; and of a sum not exceeding two hundred pounds, in any one year, to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of common schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province

Certain sums to be expended for school libraries, &c.

proviso: the amount heretofore apportioned in aid of common schools, not to be lessened.

Moneys
apportioned
when to be
payable.

XLII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council shall from time to time direct.*

Protection of the
common school
fund against loss
or embezzlement

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost; and the same may be recovered from them, by Civil Suit, in any Court of Law having jurisdiction to the amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown.† Provided always, that if any Secretary-Treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-Treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-Treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some Justice of the Peace, to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-Treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown-up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of do or do not appear, hear the complaint; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys, as aforesaid, by a certain day to

Provide:
Proceedings if
any Secretary-
Treasurer shall
wrongfully hold
over money,
chattels, &c.

Application of
Trustees to
County Judge.

Hearing of
complaint.

Judgment.

* Treasurers of counties, cities, towns, and villages, after having been reported to the Chief Superintendent by the Clerk of their municipality, are payable in person, or by attorney, if the school moneys of the preceding year have been properly accounted for, and the reports transmitted as required by this Act.

† This clause makes the individual members of the municipal or school corporation liable for any sums lost, by the neglect of such corporation to exact security from their Treasurer or Secretary-Treasurer.

be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax; and in the event of a non-compliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the Trustees as aforesaid; upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly: Provided always, that no proceeding, under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-Treasurer, or person having been such, or his sureties.

In default to be arrested by the Sheriff.

Discharge.

Proviso.

Other remedy.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to Law; Provided always, that no such certificate shall be given to any person who shall not have been a student in the Normal School.

Provincial Certificates of qualification to Teachers.

Proviso.

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendent of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution be expended in the payment of Teachers' salaries as hereinbefore provided.

Salaries of Superintendents, &c., how paid.

XLVI. And be it enacted, That any person who shall wilfully disturb, interrupt, or disquiet the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, shall, for each offence, forfeit, for Common School purposes, to the School Section, City, Town or Village, within the limits of which such offence shall have been committed, a sum not exceeding five pounds, and may be prosecuted before any Justice of the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of the goods and chattels of the offender, under a Warrant of such Justice, and paid over by him to the School-Treasurer of such Section, City, Town or Village; or the said offender shall be liable to be indicted and punished for the same as a misdemeanor.

Punishment of persons disturbing meetings, &c.

Prosecution before a J.P.

Fine to be paid.

SEPARATE SCHOOL ACT.

Temporary provisions for first elections in Cities and Towns in 1850.

Interpretation clause.

XLVII.—[Time expired first Tuesday in September, 1850.]

XLVIII. And be it enacted, That the Interpretation Act shall apply to this Act; that the word "Teacher," shall include female as well as male teachers; that the word "Townships" shall include Unions of Townships made for Municipal purposes; and the word "County" shall include Unions of Counties for Municipal purposes.

SEPARATE SCHOOL ACT.

ACT 14 & 15 VIC., CAP. 111.

An Act to define and restore certain Rights to parties therein mentioned.

[Royal Assent, 30th August, 1851.]

Preamble.

13th and 14th Vic. cap. 43, cited.

Separate school in each ward or union of wards, as applicants desire.

Proviso.

Whereas it is expedient to remove doubts which have arisen in regard to certain provisions of the nineteenth section of an Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*; And whereas it is inexpedient to deprive any of the parties concerned of rights which they have enjoyed under preceding School Acts for Upper Canada: Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same, That each of the parties applying according to the provisions of the said nineteenth section of the said Act shall be entitled to have a Separate School in each Ward, or in two or more Wards united, as said party or parties shall judge expedient, in each City or Town in Upper Canada: Provided always, that each such School in its establishment and operations shall be subject to all the conditions and obligations, and entitled to all the advantages imposed and conferred upon separate Schools by the said nineteenth section of the said Act.*

* By this Act, it is optional with the applicants to have but one separate school corporation for the whole municipality, or one for each ward therein.

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SUPPLEMENTARY SCHOOL ACT.

ACT 16th VIC., CAP. 185.

An Act Supplementary to the Common School Act for Upper Canada.

[Royal Assent, 14th June, 1853.]

Whereas it is expedient to make some further provisions for the Preamble,
improvement of Common Schools in Upper Canada, and to modify and
extend some of the provisions of the Act passed in the session held in
the thirteenth and fourteenth years of Her Majesty's Reign, chaptered
forty-eight, and intituled, *An Act for the better establishment and* 13 and 14 Vic.,
maintenance of Common Schools in Upper Canada, hereinafter cal- cap. 48 cited.
led "The Upper Canada School Act of 1850": Be it therefore enacted
by the Queen's Most Excellent Majesty, by and with the advice and
consent of the Legislative Council and of the Legislative Assembly of
the Province of Canada, constituted and assembled by virtue of and
under the authority of an Act passed in the Parliament of the United
Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite*
the Provinces of Upper and Lower Canada, and for the Government
of Canada, and it is hereby enacted by the authority of the same, That
the Board of School Trustees in each City, Town and incorporated
Village, shall, in addition to the powers with which they are now legally
invested, possess and exercise, as far as they shall judge expedient in
regard to each such City, Town and incorporated Village, all the powers
with which the Trustees of each School Section are or may be invested
by law in regard to each such School Section:* Provided always, that
the Chairman of each such Board of School Trustees shall be elected
by the Trustees from their own number, and shall have a right to vote
at all times, and in case of an equality of votes, the maxim *præsumitur*
pro negante [it is decided in the negative] shall prevail.

Powers of Boards
of School Trust-
tees in cities,
towns and vil-
lages extended.

Chairman of the
Board.

II. And be it enacted, That in any Village or Town not divided into
Wards, in Upper Canada, which shall become incorporated according
to Law, an Election of a Board of School Trustees for such Village or
Town shall take place at the time specified in the second section of the
said Upper Canada School Act of 1850;† Provided always, that the
first Election of such Board of School Trustees shall be called by the

First Elections in
Villages and
Town Muni-
cipalities.

To be called by
Municipal Re-
turning Officer;
or, in default, by
two freeholders.

* This invests each Board with the power of levying assessments, and of exercising, at their
discretion, such other powers of school section trustees as they may desire; but does not re-
quire them to submit any of their proceedings to public meetings as in school sections, except
the published statement required by the eleventh clause of the 24th section of the Act of 1850;
see note † on page 22.

† The twenty-fifth section of the Act of 1850, provides that the electors shall choose six
resident householders to form the Board.

SUPPLEMENTARY SCHOOL ACT.

Returning Officer appointed to hold the first Municipal Election in such Village or Town, or in case of his neglecting to do so for one month, by any two Freeholders in such Village or Town, on giving six days' notice in at least three public places in such Village or Town; Provided also, that all elections of School Trustees that have taken place in Villages and Towns not divided into Wards, which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees, so elected in such Villages and Towns, are hereby made as valid as if such Boards had been elected for Villages and Towns incorporated before one thousand eight hundred and fifty: Provided likewise, that in the words "two years" which occur in the second proviso of the twenty-fifth section of the said Act, the word "three" shall be substituted for the word "two," and the said proviso shall be held to have and to have had effect as if the word "three" had been originally inserted therein instead of the word "two"; Provided, nevertheless, that the twenty-fifth and twenty-sixth sections of the said Act shall be construed to apply to all such Boards of School Trustees.

Former Elections confirmed.

School Act of 1850, error in 2d Proviso 25th section, corrected.

25th and 26th sections of said Act to apply to such Boards.

Voters in Cities, Towns and Villages.

III. And be it enacted, That in case an objection be made to the right of any person to vote at an Election of a School Trustee or Trustees in any City, Town, or incorporated Village, or upon any other subject connected with School purposes, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration:

Form of Declaration.

"I do declare and affirm that I have been rated on the Assessment-Roll of this City (Town or Village, as the case may be) as a Freeholder (or householder, as the case may be) and that I have paid a public School tax in this Ward, (or Village, as the case may be,) within the last twelve months, and that I am legally qualified to vote at this Election."*

Proviso—Penalty for false declaration.

And the person making such declaration shall be permitted to vote: Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Upper Canada School Act of 1850.

Separate Schools for Protestants and Roman Catholics.

IV. And be it enacted, That in all Cities, Towns, and incorporated Villages and School Sections, in which Separate Schools do or shall exist according to the provisions of the Common School Acts of Upper

* In addition to the above, the sixth proviso in the following (4th) section excludes such freeholders and householders as may be supporters of separate schools, from voting at common school meetings.

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Canada, persons of the religious persuasion of each such separate school sending children to it, or supporting such school by subscribing thereto annually an amount equal to the sum which each such person would be liable to pay (if such separate school did not exist) on any assessment to obtain the annual Common School Grant for each such City, Town, Incorporated Village or Township, shall be exempted from the payment of all Rates imposed for the support of the common public schools of each such City, Town, incorporated Village or School Section, and of all rates imposed for the purpose of obtaining the Legislative Common School Grant for such City, Town, incorporated Village or Township;* and each such separate school shall share in such Legislative Common School Grant only (and not in any School money raised by Local Municipal Assessment) according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for winter and summer being taken) as compared with the whole average attendance of pupils attending the Common Schools in each such City, Town, incorporated Village or Township; and a Certificate of qualification, signed by the majority of the Trustees of each such separate school, shall be sufficient for any Teacher of such School; Provided always, firstly, that the exemption from the payment of such School Rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate school; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for School Houses, the erection of which was undertaken or entered into before the establishment of such separate school; Provided secondly, that the Trustees of each such separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the local superintendent, a correct return of the names of all persons of the religious persuasion of such separate school, who shall have sent children to, or subscribed as aforesaid for the support of such separate school during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate school during such period;† And the Superintendent shall forthwith make a return to the Clerk of the Municipality and to the Trustees of the School Section or Municipality in which such separate School is established, stating the names of all the persons who, being members of the same religious denomination, contribute or send children to such separate school, and the Clerk shall not include in the Collector's Roll for the general or other School Rate, and the

Supporters to be exempted from common school rates.

To share in Legislative Grant same as Common Schools.

Proviso, 1st. Exemption from common school rates conditional.

2d Semi-annual returns to local superintendent.

Contents of returns.

Superintendent to report to clerk and trustees of municipality.

Effect of such returns: Exemption from rates.

* Supporters of separate schools bear the same relation to the public schools of a municipality as non-residents. Exemption from assessment involves a corresponding exclusion from the public schools, except by payment of a rate-bill.

† The same return of attendance is required of all common schools.

- Trustees or Board of Trustees shall not include in their School Rolls, except for any rate for the Building of School Houses undertaken before the establishing of such separate school as herein mentioned, the name of any such person as appears upon such return then last received from the said Superintendent: And the Clerk or other Officer of the Municipality within which such separate school is established, having possession of the Assessor's or Collector's Roll of the said Municipality, is hereby required to allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it shall relate to their School Section; Provided thirdly, that the provisions of the thirteenth section of the said Upper Canada School Act of 1850, shall apply to the Trustees and Teachers of separate schools, the same as to Trustees and Teachers of other Common Schools: Provided fourthly, that the Trustees of each such separate school shall be a corporation, and shall have the same power to impose, levy, and collect School Rates or subscriptions upon and from persons sending children to, or subscribing towards the support of such separate school, as the Trustees of a School Section have to impose, levy and collect School Rates or subscriptions from persons having property in such Section or sending children to or subscribing towards the support of the Common School of such section: * Provided fifthly, that the foregoing provisions in this clause shall take effect from the first day of January, one thousand eight hundred and fifty-three, and shall extend to the separate schools, established or intended to be established under the provisions of the Upper Canada Common School acts; Provided, sixthly, that no person belonging to the religious persuasion of such separate school, and sending a child or children thereto, or subscribing towards the support thereof, shall be allowed to vote at the election of any trustee for a public common school in the city, town, incorporated village or school section within the limits of which such separate school shall be situate.
- V. And be it enacted, That the Trustees of each School Section shall, on or before the thirtieth day of June, and the thirty-first day of December, in each year, transmit to the local superintendent, a correct return of the average attendance of pupils in the school or schools under their charge during the six months then immediately preceding; nor shall any school section be entitled to the apportionment from the school fund for the said six months, the trustees and teacher of which shall neglect to transmit a verified statement of such average attendance of pupils in their school or schools; Provided always, that nothing
- Separate School Trustees to have access to Assessor's Roll.
- 3d Penalty for false Returns.
- 4th, Separate Trustees to be a corporation.
- May levy and collect rates, as Trustees of public schools.
- 5th—foregoing provisions to have effect from January, 1853.
- 6th—Separatists not to vote for Common School Trustees.
- Half-yearly returns to local Superintendent.
- Penalty for omission to do so.
- Proviso.

* By the above, as well as the first proviso of the nineteenth section of the Act of 1850, Trustees of Separate Schools, in regard to their supporters, have equal powers with Trustees of school sections. They report annually to the local superintendent of their municipality, and share in the Legislative Grant according to the same ratio of attendance, and upon the same conditions, as common schools.

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herein contained shall be construed to repeal the provisions of the thirty-first section of the said Upper Canada School Act of 1850.*

VI. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect school rates for the purpose of purchasing School Sites and the erection of School-houses, as they are now or may be invested with by law to assess and collect rates for other school purposes; Provided always, that they shall take no steps for procuring a school site on which to erect a new school-house, or changing the site of a school-house established, or that may be hereafter established, without calling a special meeting of the freeholders and householders of their section to consider the matter; and if a majority of such freeholders and householders, present at such meeting, differs from a majority of the trustees as to the site of a school-house, the question shall be disposed of in the manner prescribed by the eleventh section of the said Upper Canada School Act of 1850; Provided that such trustees shall, whenever they impose any rate for school purposes, make a return to the clerk of the municipality of the amount of the rate so imposed by them.†

Section Trustees may assess for School-sites and houses.

Must call a Special Meeting if new site required

Must report assessment to Township Clerk.

VII. And be it enacted, That the Trustees of each School Section shall see that each school under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law.

Registers and Visitors' Book.

VIII. And be it enacted, That the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their school with any Public Grammar School, which shall be situate within, or adjacent to, the limits of their school section.

Union of Common with Grammar Schools.

IX. And be it enacted, That the Trustees of each School Section shall be personally responsible for the amount of any School Moneys which shall be forfeited and lost to such school section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850, for the collection and application of the fines imposed by the said section.‡

Responsibility of Trustees for moneys lost through neglect.

Complaint of any resident before a J. P.

X. And be it enacted, That the Trustees of each School Section shall

Penalty on Trustees

* The "provisions" here referred to, and which apply equally to common and separate schools, are contained in the second clause of the 31st section of the Act of 1850, and in note ¶ on page 27.

† Trustees of School Sections decide upon the kind of School House, and the amount to be expended for the purchase of a site and building; but a Public Meeting must be called to decide how the money shall be raised, and where the site shall be fixed.

‡ While Trustees are thus made personally responsible for refusal to exercise their corporate powers; and while the acts of a majority are binding upon the Corporation, yet no majority of the Trustees can act without notifying their colleague or colleagues, and giving him or them an opportunity of joining in, or dissenting from, their acts.

tees for delaying
their Annual
Report.

Sued for before a
J. P.

Agreements with
teachers made
after October not
valid in certain
cases.

Liability of per-
sons sending
children to other
than the section
in which they
reside.

Effect of such
attendance.

Exception in
certain cases.

No rate *per
capita* shall be
imposed upon
children.

Three modes of
supporting a
school.

Rate-bill not to
exceed 1s. 3d.
per month.

each personally forfeit the sum of One Pound Five Shillings for each and every week that they shall neglect, after the thirty-first day of January in each year, to prepare and forward to their local superintendent of schools, their School Report, as required by law, for the year ending the thirty-first of December immediately preceding; and which sum or sums thus forfeited, shall be sued for by such local superintendent, and collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850.

XI. And be it enacted, that no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January then next, unless such agreement shall have been signed by the two trustees of such school section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.

XII. And be it enacted, That any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall nevertheless be liable for payment of all rates assessed for the school purposes of the section in which he resides, the same as if he sent his child or children to the school of such section; and such child or children shall not be returned as attending any other than the school of the section in which the parents or guardians of such child or children reside*; but this clause shall not be held to apply to persons sending to or supporting separate schools, or to prevent any person who may be taxed for common school purposes on property situate in a different school section from that in which he resides, from sending his children to the school of the section in which such property may be situate, on as favorable terms as if he resided in such section.

XIII. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or to the number of children of legal school age, residing in such section; but all the school expenses of such section shall be provided for by any or all of the three authorized methods of voluntary subscription, rate-bill for each pupil attending the school, or by rate upon property: Provided always, that no rate-bill shall be imposed exceeding One Shilling and Three Pence per month for each pupil attending the school.†

* Persons sending their children to the School of a neighbouring Section, are liable for the property rates levied in their own section, and for a rate-bill in the Section to which they send. Trustees cannot admit the children of non-residents even to a Free School, without payment of a rate-bill.

† A child attending only a few days of the month or quarter for which the rate-bill is levied, is liable for the amount levied for such month or quarter. All rate-bills must be paid in advance.

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XIV. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools, shall continue in office (unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment: Provided always, that no local superintendent shall be a teacher or trustee of any common school during the period of his being in office: Provided, secondly, that no local superintendent shall be required unless he shall judge it expedient (except with a view to the adjustment of disputes,) or unless directed to do so by the municipality appointing him, to make more than two official visits to each school section under his charge, one of which visits shall be made some time between the first of April and the first of October, and the other some time between the first of October and the first of April: Provided, thirdly, that the local superintendents of adjoining townships shall have authority and are hereby required to determine the sum or sums which shall be payable from the school apportionment and assessment of each township in support of schools of union school sections consisting of portions of such townships; and they shall also determine the manner in which such sum or sums shall be paid: Provided, fourthly, that in the event of one person being local superintendent of both of the townships concerned, he shall act in behalf of such township; and in the event of the local superintendents of townships thus concerned not being able to agree as to the sum or sums to be paid to each such township, the matter shall be referred to the warden of the county or union of counties for final decision: Provided, fifthly, that each local superintendent of schools shall have authority to appoint the time and place of a special school section meeting, at any time and for any lawful purpose, should he deem it expedient to do so: Provided, sixthly, that each local superintendent of schools shall have authority, within twenty days after any meeting for the election of common school section trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such election, and to confirm it or set it aside, and appoint the time and place of a new election, as he shall judge right and proper: Provided, seventhly, that each local superintendent shall have authority, on due examination, (according to the programme authorized by law for the examination of teachers,) to give any candidate a certificate of qualification to teach a school within the limits of the charge of such local superintendent, until the next ensuing meeting (and no longer) of the county board of public instruction of which such local superintendent is a member; but no such certificate of qualification shall be given a second time, or shall be valid, if given a second time

Local Superintendents to continue in office until April.

1st proviso—
Shall not be a Teacher or a Trustee.

2nd—
As to visits.

3rd—
Apportionment to Union Schools.

4th—
When but one Superintendent.

5th—
Special School Section meetings.

6th—
Trial of election complaints.

7th—
Special certificates to Teachers.

Shillings for each thirty-first day of local superintendency law, for the year ending; and which local superintendency by the ninth 0.

en Trustees and a first of October and binding on either next, unless such es of such school year beyond the uch agreement.

ng in one School of a neighboring ment of all rates ich he resides, the of such section; tending any other guardians of such e held to apply to or to prevent any oses on property h he resides, from ich such property in such section.

imposed upon the whole number of age, residing in section shall be pro- ods of voluntary school, or by rate shall be imposed nth for each pupil

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the rate-bill is levied, us be paid in advance.

8th—
Vacancy in office
of Local
Superintendent—
how filled.

to the same person in the same county: Provided, eighthly, that in the event of a local superintendent of schools resigning his office, the warden of the county or union of counties within which such superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated, until the next ensuing meeting of the council of such county or union of counties.

Arbitrators
between teachers
and trustees
invested with
enlarged powers
to decide
disputes

XV. And be it enacted, That the last proviso of the seventeenth section of the Upper Canada School Act of 1850, shall be and is hereby repealed;* And be it also enacted, That the Arbitrators mentioned in the said seventeenth section of the said act, shall have authority to administer oaths to, and to require the attendance of all, or any of, the parties interested in the said reference, and of their witnesses, with all such books, papers and writings as such arbitrators may require them or either of them to produce; and the said arbitrators, or any two of them, may issue their warrant to any person to be named therein, to enforce the collection of any sum or sums of money by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the money or moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same is rendered, as any bailiff of a division court has in enforcing a judgment and execution issued out of such court; and no action shall be brought in any court of law or equity, to enforce any claim or demand which by the said seventeenth section of the said in part recited act, may be referred to arbitration as therein mentioned.†

Equal to
Division Court.

Such disputes
must not be
brought into
Court.

XVI. And be it enacted, That whenever the lands or property of any individual or company shall be situate within the limits of two or more school sections, it shall be the duty of each assessor appointed by any municipality, to assess and return on his roll, separately, the parts of such lands or property according to the divisions of the school sections within the limits of which such lands or property may be situate: Provided always, that every undivided occupied lot or part of a lot shall only be liable to be assessed for school purposes in the school section where the occupant resides.‡

School section
limits to guide
assessors.

When one's
lands lie in
several sections.

Proviso.

XVII. And be it enacted, That no Township Council shall have authority to levy and collect in any school section during any one year, more than one school section rate, except for the purchase of a school site or the erection of a school house; nor shall any such council have

Only one school
rate per year by
Township
Council, except
for school sites
and houses.

* The repealed proviso provided for re-arbitration should the award fall through.

† No financial dispute of any kind between Trustees and a Teacher, legally qualified as such, can be brought into court.

‡ This duty belongs only to the Assessors,—as their roll must guide the Trustees.

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authority to give effect to the ninth clause of the twelfth section of the Upper Canada School Act of 1850, for the levying and collection of rates for school purposes of any school section in any one year, unless the trustees of such school section make application to the council at or before its meeting in August of such year: Provided also, that each such township council shall have authority, under the restrictions* imposed by law in regard to the alteration of school sections, to form such part of any union school section as is situated within the limits of its jurisdiction, into a distinct school section, or attach it to one or more existing school sections or parts of sections, as such council shall judge expedient.

Application before August.

Power of Township Councils to dissolve union sections.

XVIII. And be it enacted, That for and notwithstanding anything contained in the Upper Canada School Act of 1850, the Chief Superintendent of Schools shall have authority to direct the distribution of the common school fund of any township, among the several school sections and parts of the sections entitled to share in the said fund, according to the length of time in each year, during which a school shall have been kept open by a legally qualified teacher in each of such sections or parts of sections.

Chief Superintendent may alter distribution of the common school fund.

XIX. And be it enacted, That if any person shall wilfully disturb, interrupt or disquiet any common or other public school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near as to disturb the order or exercises of such school, such person shall, on conviction thereof before any justice of the peace, on the oath of one or more credible witnesses, forfeit and pay such a sum of money not exceeding Five Pounds, together with the costs of and attending the conviction, as the said justice shall think fit; such conviction and all other convictions before a justice or justices of the peace under this act or the Upper Canada School Act of 1850, and the costs thereof, to be levied and collected from the offender, who, in default of payment, may be imprisoned for any time not exceeding thirty days, unless such fine and costs, and the reasonable expenses of endeavoring to collect the same, shall be sooner paid.

Disturbing public schools.

Penalty—£5 and costs.

Authority of Justices of the Peace under the school acts.

XX. And be it enacted, That the Certificates of Qualification which have heretofore been granted to teachers of common schools by any county or circuit board of public instruction in Upper Canada, or at any meeting of any members not less than three of the members of such boards, and which have not been cancelled, shall at all times be considered as duly and legally granted, notwithstanding any want of

Certain certificates to teachers temporarily recognized, and proceedings of boards of public instruction confirmed.

* The "restrictions" are:—That due notice be given to all parties concerned, and that the alteration go into effect the 25th December next after the act of the Council.

notice to the several members of the said board, of the times and places of meeting for the purpose of granting such certificates, and notwithstanding any other want of form in the organizing or conducting of the business of any such county or circuit board; and any certificate purporting to be granted by any such board, or any three members thereof, and having the signature of at least one local superintendent of schools, shall be considered a good and valid certificate of qualification, according to the effect thereof, until the same shall be annulled.*

Recital.

Trustees may appoint one of themselves collector.

School rates on the lands of non-residents.

To be reported to the clerk of the municipality.

And paid to trustees out of the general funds of such municipality.

Increase of school grant.

1st—Support of common schools.

XXI. And whereas doubts have arisen whether the Trustees of any School Section, or the Board of School Trustees of any City, Town or Village, can appoint any one or more of their own number, Collector or Collectors of school rates; For the removal thereof, Be it enacted, That it shall and may be lawful for the trustees of any school section, or the board of school trustees in any city, town or incorporated village, to appoint one or more of their number a collector or collectors to collect the school rates of any such section, city, town or village.

XXII. And be it enacted, That if the Collector appointed by the Trustees of any School Section, shall have been unable to collect that portion of any school rate which was charged on any parcel of land liable to assessment; by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality before the end of the then current year, of all such parcels of land and the uncollected rates thereon;† and the clerk shall make a return to the county treasurer of all such lands and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes; and the township, village, town or city in which such school section is situate, shall make up the deficiency arising from the uncollected rate on lands liable to assessment, out of the general funds of the municipality.

XXIII. And be it enacted, That whatever additional sum or sums of money may be payable to Upper Canada out of the Legislative School Grant, or may be granted during the present session of this Parliament for common school purposes in Upper Canada, shall be expended in the following manner: *Firstly*, a sum of not less than Four Thousand Pounds shall be apportioned and expended for the support of common

* No board or corporation constituted under the provisions of these Acts, can legally transact business, without giving due notice of its meetings to all the members.

† The Trustees must make diligent search to obtain the rate, before making a return to the Clerk of the Municipality. If it cannot be obtained, the return must be made before the end of the then current year; otherwise the municipality may be under no obligation to advance the amount. But if so made, before the end of such year, the municipality has no option in the matter, but to make up the deficiency,—that the teacher or section suffer no loss,—and report the same to the County Treasurer for collection as other non-resident taxes.

schools, as provided in the thirty-fifth section of the Upper Canada School Act of 1850: Provided always, that not more than Five Hundred Pounds of the said sum may be expended in special aid of common schools in new and poor townships; *Secondly*, a sum not exceeding One Thousand Pounds per annum shall be expended in further support of the Normal and Model Schools for Upper Canada, and in supplying a copy of the Journal of Education to each school corporation and each local superintendent of schools in Upper Canada: Provided always, that not more than Four Hundred and Fifty Pounds of the said sum shall be expended in the circulation of the Journal of Education; and the balance of such sum shall be expended as provided for in the thirty-eighth section of the Upper Canada School Act of 1850; *Thirdly*, a sum not exceeding Five Hundred Pounds per annum may be expended by the Chief Superintendent of Schools in the purchase, from time to time, of books, publications, specimens, models and objects, suitable for a Canadian library and museum, to be kept in the normal school buildings, and to consist of books, publications, and objects, relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures; *Fourthly*, a sum not exceeding Five Hundred Pounds per annum, shall be applied towards forming a fund for the support of superannuated or worn-out school teachers in Upper Canada, under such regulations as may be adopted, from time to time by the Council of Public Instruction, and approved by the Governor in Council: Provided always, that no teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of One Pound per annum, for the period of his teaching school, or receiving aid from such fund, and who shall not furnish satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer: Provided also, that no allowance to any superannuated or worn-out teacher shall exceed the rate of One Pound Ten Shillings for each year that such teacher shall have taught a common school in Upper Canada.

Proviso—Poor schools.

2nd—Normal and model schools and Journal of Education.

Proviso.

3rd—Canadian library and museum.

4th—Pensions to worn-out teachers.

Conditions of receiving such pension.

Rate of allowance.

Uniformity of school decisions.

Chief Superintendent may appeal from judgments of Division Courts.

XXIV. And whereas it is highly desirable that uniformity of decision should exist in cases that may arise triable in the Division Courts, against and between superintendents, trustees, teachers and others acting under the provisions of the Common School Acts of Upper Canada—Be it therefore enacted, That the Chief Superintendent of Schools for Upper Canada, may, within one month after the rendering of any judgment, in any of the said courts, in any case arising as aforesaid, appeal from the decision of any judge of the said courts to either of the Superior

Judge of
Division Court to
certify
proceedings to
Superior Court.

Superior Court to
give order to
court below.

Proviso—Costs
payable by Chief
Superintendent.

Judge of Division
Court may delay
judgment.

Township Clerk
to prepare maps
showing school
section divisions.

Where to be
kept.

Repeal of
inconsistent
enactments.

This act to apply
to 1853.

Courts of Law, at Toronto, by serving notice, in writing, of such his intention to do so, upon the clerk of such division court, which appeal shall be entitled "The Chief Superintendent of Schools for Upper Canada, appellant, in the matter between A. B. and C. D.;" and it shall be the duty of the judge of the said court, to certify under his hand, to either of the Superior Courts aforesaid, as the case may be, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto; whereupon the same matter shall be set down for argument at the next term of such Superior Court, which Court shall give such order or direction to the court below, touching the judgment to be given in such matter, as the law of the land and equity shall require, and shall also award costs in their discretion, against the appellant, which costs shall be certified to and form part of the judgment of the court below; and upon receipt of such order, direction, and certificate, the Judge of the division court shall forthwith proceed in accordance therewith; Provided that all costs awarded against the appellant, and all costs incurred by him, shall be payable by the Chief Superintendent, and the amount chargeable to the contingencies of his office: And the Judge presiding over any division court wherein any action of the kind referred to in this section is brought, may order the entering of judgment to be delayed for a sufficient time to permit either party to apply to the Chief Superintendent of Schools to appeal such case, and after notice of appeal is served as herein provided, no further proceedings shall be had in such case until the matter of the appeal shall be decided by such Superior Court.

XXV. And be it enacted, That it shall be the duty of the Clerk of each township municipality to prepare in duplicate a Map of the Township, showing the divisions of the township into school sections and parts of union school sections, one copy of which shall be furnished to the county clerk for the use of the county council, and the other shall be retained in the township clerk's office; for the use of the township municipality.*

XXVI. And be it enacted, That such of the provisions of the Upper Canada School Act of 1850, as are contrary to the provisions of this act, shall be and are hereby repealed.

XXVII. And be it enacted, That the provisions of this Act shall apply to all School affairs and to all persons referred to in the said provisions, for the present year one thousand eight hundred and fifty-three.

* Neglect of this duty seriously inconveniences Trustees, and renders the Clerk liable for any damages incurred by reason of his non-compliance.

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XXVIII. And be it enacted, That in citing or otherwise referring to the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, it shall be sufficient to designate it as "The Upper Canada School Act of 1850;" and that in citing or otherwise referring to this Act, it shall be sufficient to designate it as "The Upper Canada Supplementary School Act of 1853;" and that in citing or otherwise referring to the said Acts generally, or to them and to any other Act or Acts relative to Common Schools, which may at the time of such citation or reference be in force in Upper Canada, it shall be sufficient to use the expression "The Common School Acts of Upper Canada."

Short Titles of
Common School
Acts of U. C.

13 & 14 V. c. 48.

Title of this Act.

School acts
generally.

ROMAN CATHOLIC SEPARATE SCHOOL ACT.

ACT 18 VIC., CAP. 131.

An Act to amend the laws relating to Separate Schools in Upper Canada.

[Royal Assent, 30th May, 1855.]

Whereas it is expedient to amend the laws relating to Separate Schools in Upper Canada, so far as they affect the Roman Catholic inhabitants thereof: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada," and it is hereby enacted by the authority of the same, as follows:—

Preamble.

I. The nineteenth Section of the "*Upper Canada School Act of 1850*," and the fourth Section of the "*Upper Canada Supplementary School Act of 1853*," and all other provisions of the said Acts or of any other Act inconsistent with the provisions of this Act, are hereby repealed, so far only as they severally relate to the Roman Catholics of Upper Canada.

Separate School
provisions of
Acts of 1-30, 1851
and 1-53, repeated
in regard to
Roman Catholics.

* This Act, being thus specially limited to Roman Catholic Separate Schools, does not affect the Protestant Separate Schools—which will continue to be regulated by the provisions of the other School Acts.

Five Roman Catholics, heads of families, may call a meeting for election of Trustees of Separate School.

II. Any number of persons not less than five heads of families being freeholders or householders resident within any School Section of any Township or within any Ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such School Section or Ward, for the election of Trustees for the management thereof.*

Ten Roman Catholics present may elect three Trustees:

III. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, at any such meeting may elect three persons, resident within such Section, to act as Trustees for the management of such Separate School; and any person being a British subject, may be elected as such Trustee whether he be a freeholder, or householder, or not.

Roman Catholic residents desirous of Separate School, to notify certain officers.

IV. A notice addressed to the Reeve, or to the Chairman of the Board of Common School Trustees, in the Township, City or Town in which such section is situate, may be given by all persons resident within such Section being freeholders or householders, and being Roman Catholics favorable to the establishment of such Separate School, whether they were present at such meeting or not, declaring that they desire to establish a Separate School in such School Section, and designating by their names, professions and places of abode, the persons elected in the manner aforesaid, as Trustees for the management thereof.

And report names, &c., of Trustees elected.

Notice to be given by a Trustee.

Proper Officer to endorse notice.

V. Every such notice shall be delivered to the proper officer by one of the Trustees so elected; and it shall be the duty of the officer receiving the same to endorse thereon the date of the reception thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such Trustee.†

Effect of such notice:

Roman Catholic Trustees a corporation.

VI. From the day of the date of the reception of every such notice the Trustees therein named shall be a body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the township [city or town, as the case may be,] in the county of ."

Union of Roman Catholic Separate Schools in Cities and Towns.

VII. If a Separate School or Separate Schools shall have been established in more than one ward in any city or town, the Trustees of such Separate Schools may, if they think fit, form an union of such Separate Schools; and from the day of the date of the notice in any public newspaper published in such city or town, announcing such union, the Trustees of the several wards shall form together a body

Public Notice.

* Public Notice of this and every other Meeting must be given, similar to that required under the School Act of 1850; i. e., notice in three public places, six days preceding the day of meeting.

† The Trustees cannot act until after the delivery of this notice.

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corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the city [or town] of _____, in the county of _____."*

Title of Corporation.

VIII. All trustees elected and forming a body corporate under this act shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of Separate Schools, and all other powers in respect of Separate Schools, as the trustees of common schools have and possess under the provisions of the acts hereinbefore cited in respect of common schools; and they shall also be bound to perform all duties required of, and shall be subject to all penalties provided against, the trustees of Common Schools; and Teachers of Separate Schools shall be liable to all penalties provided against Teachers of Common Schools.

Powers of Roman Catholic Trustees over supporters of their Schools.

Liabilities of Trustees and Teachers same as for Common Schools.

IX. All Trustees elected under this Act shall remain in office until the second Wednesday of the month of January next following their election, on which day in each year an annual meeting shall be held, commencing at the hour of ten of the clock in the forenoon, for the election of trustees for Separate Schools theretofore established; but no trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office.†

All Roman Catholic Trustees to be elected annually.

Re-election of Trustees.

X. All Trustees elected under this Act shall allow children from other School Sections to be received into any Separate School under their management, at the request of the parents or lawful guardians of such children; provided such children or their parents are Roman Catholics;‡ and no children attending such school shall be included in the return hereafter provided to be made to the Chief Superintendent of Schools, unless they shall be Roman Catholics.

Roman Catholic non resident children may attend on request of their parents.

Roman Catholic children only to be reported.

XI. A majority of the Trustees in any township or village or of the Board of Trustees in any town or village elected under this act, shall have power to grant certificates of qualification to teachers of Separate Schools under their management, and to dispose of all school funds of every description coming into their hands for school purposes.§

Roman Catholic Trustees to license their Teacher, and dispose of School funds.

* By the fifteenth Section of this Act, the Trustees of any ward lose their seats at the united Board, unless a separate School be established in their ward, within two months after the first or annual election.

† The three Trustees of the Roman Catholic separate School in each Ward or School Section retire from office at the annual meeting, subject to re-election with their own consent, and subject to the provisions of the fifteenth section of this Act.

‡ The twelfth section following, prescribes the conditions upon which such supporters are exempted from Common School rates.

§ Secretary-Treasurers of Separate Schools are subject to the same obligations to their Trustee Corporation as are the Secretary-Treasurers of Common Schools.

Roman Catholic
supporters of
Separate Schools
notifying Clerk of
Municipality to
be exempted from
Common School
rates.

XII. Every person paying rates whether as proprietor or tenant, who, on or before the first day of February of any year, shall have given notice to the Clerk of the Municipality in which any Separate School is situated, that he is a Roman Catholic, and a supporter of such Separate School, shall be exempted from the payment of all rates imposed within such ward or school section for the support of Common Schools and of Common School Libraries for the year then next following; and every Clerk of a Municipality upon receiving any such notice shall deliver a certificate to the person giving the same to the effect that such notice has been given, and showing the date of such notice; but any person who shall fraudulently give any such notice, or shall wilfully make any false statement therein, shall not secure any exemption thereby, but shall, on the contrary, be liable to a penalty of ten pounds currency, recoverable, with costs, before any Justice of the Peace at the suit of the Municipality interested: Provided always, that nothing herein contained shall exempt any such person from paying any such rate for the support of Common Schools or Common School Libraries, or for the erection of a school house or school houses, which shall have been imposed before such Separate School was established.

Clerk to deliver
exemption certificate.

Fraudulent
notice punishable

Fine £10.

Proviso:
Exemption
limited.

Roman Catholic
Separate Schools
to share in Legis-
lative Grant, in
same ratio as
Common Schools

XIII. Every Separate School established under this act shall be entitled to a share in the fund annually granted by the Legislature of this province for the support of Common Schools, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending the Common Schools in the same city, town, village, or township: Provided always that no Separate School shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted): Provided also that nothing herein contained shall entitle any such Separate School, within any city, town, village or township, to any part or portion of school moneys, arising or accruing from local assessment for Common School purposes within any such city, town, village or township, or the county or union of counties within which such town, village or township is situate: Provided also that if any Separate School shall not have been in operation for a whole year at the time of the apportionment, it shall not receive the sum to which it would have been entitled for a whole year, but only an amount proportionally to the time during which it has been kept open.

Proviso:
Attendance must
average 15 or
more.

Proviso:
Shall not share
in Local Com-
mon School
Assessment.

Proviso:
Proportion of
Grant in certain
cases.

Roman Catholic

XIV. The Trustees of each Separate School shall, on or before the

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30th day of June and the 31st day of December of each year, transmit to the Chief Superintendent of Schools for Upper Canada, a correct statement of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which may have elapsed since the establishment thereof, and the number of months it shall have been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the Trustees of such Separate School will be entitled to receive out of such Legislative grant, and shall pay over the amount thereof to such Trustees; and every such statement shall be verified under oath before any Justice of the Peace for the county, or union of counties, within which such Separate School is situate, by at least one of the Trustees making the same.*

Trustees to report half-yearly to the Chief Superintendent;

Who shall determine and pay apportionment.

Return to be under oath.

XV. But the election of any Trustee or Trustees made under this act shall become void unless a Separate School be established under his or their management within two months from the election of such Trustee or Trustees.

Election of Trustees void in certain cases.

XVI. And no person subscribing towards the support of a Separate School or sending children thereto shall be allowed to vote at the election of any Trustee for a Common School in the city, town, village or township in which such Separate School is situate.

Supporters of Separate Schools not to vote at Common School Elections.

COMMON SCHOOL FUND ACT.

ACT 12 VIC. CAP. 200.

An Act to raise an Income of One Hundred Thousand Pounds out of the Public Lands of Canada, for Common School Education.

[Royal Assent promulgated by Message to the Legislature, 27th May, 1856.]

Whereas it is desirable that an annual sum of one hundred thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first moneys to be raised by the sale of such Lands as shall be sufficient to create a Capital which shall produce the said annual sum of one hundred thousand pounds at the rate of six per cent. per annum, should be set apart for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent, of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of the United King-

Preamble.

* If but one Trustee makes oath, it will be necessary for him to show that he acts for and on behalf of the Corporation.

COMMON SCHOOL FUND ACT.

All moneys arising from the Sale of any Public Lands appropriated to form a School Fund, until they amount to a certain sum.

How such mon-ys shall be invested.

Stock of Public Companies.

Provincial Debentures

To what purposes only such moneys shall be applied.

One million of acres to be set apart for the purpose of forming the said Fund.

Provido: certain charges to be first paid.

Present Annual Grant for School to cease when the said Fund shall produce £50,000 a-year.

Provido. In the mean time the income of the said Fund to be applied towards paying the said Annual Grant.

Provido: if the

dom of Great Britain and Ireland, and intituled, An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That all moneys that shall arise from the sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a capital which shall be sufficient to produce a clear sum of one hundred thousand pounds per annum, which said Capital and the Income to be derived therefrom shall form a public fund to be called the Common School Fund.

II. And be it enacted, That the Capital of the said Fund shall from time to time be invested in the Debentures of any Public Company or Companies in the Province, which may have been incorporated by an Act of the Legislature, for the construction of Works of a public nature, and which said Company or Companies shall have subscribed their whole Capital stock, paid up one-half of such Stock and completed one-half of such Work or Works; or in the Public Debentures of this Province, for the purpose of creating such Annual Income; which said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall be and remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

III. And be it enacted, That the Commissioner of Crown Lands under the direction of the Governor in Council, shall set apart and appropriate one million of acres of such Public Lands, in such part or parts of the Province as he may deem expedient, and dispose thereof on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale thereof shall be invested and applied towards creating the said Common School Fund: Provided always, that before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, together with all Indian annuities charged upon and payable thereout, shall be first paid and satisfied.

IV. And be it enacted, That so soon as a net Annual Income of fifty thousand pounds shall be realized from the said School Fund, the public grant of money paid out of the Provincial Revenue for Common Schools, shall for ever cease to be made a charge on such revenue; Provided always, nevertheless, that in the meantime the interest arising from the said School Fund so to be created as aforesaid, shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of fifty thousand pounds now appropriated for the support of the Common Schools; Provided further, that after the said annual

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sum of fifty thousand pounds shall have been taken off the Consolidated Revenue, if the income arising from the said School Fund shall from any cause whatever fall short of the annual sum of fifty thousand pounds, then it shall and may be lawful for the Receiver General of the Province, to pay out of the said Consolidated Revenue, such sum or sums of money as may from time to time be required to make up such deficiency, the same to be repaid so soon as the said Income of the said School Fund shall exceed the said sum of fifty thousand pounds.

said Fund produce less than £50,000 in any year, the deficiency shall be made up *pro tempore*.

GRAMMAR AND COMMON SCHOOL ACT.

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*ACT 18 VIC., CAP. 132.*  
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An Act to make further provision for the Grammar and Common Schools of Upper Canada.

[Royal Assent, 30th May, 1855.]

Whereas it is expedient to make further provision for the pro- Preamble.
motion of education and the diffusion of useful knowledge in connection with the Grammar and Common Schools of Upper Canada; Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority of the same as follows:

I. The additional grants which have been made or may be made during the present session of the Legislature for Grammar and Common School purposes in Upper Canada, shall be annually disposed of in the following manner: Disposition of Legislative Grant.

1. A sum not exceeding one thousand pounds per annum, may be expended under the direction of the Council of Public Instruction, for the establishment and maintenance of a model Grammar School, in connection with the Normal and Model Schools for Upper Canada, including also any expenses which may be incurred in the examination of Candidates for Masterships of Grammar Schools. Model Grammar School and examination for Masterships.

2. A sum not exceeding two hundred and fifty pounds per annum, may be expended in the payment of Inspectors of Grammar Schools, who shall be appointed, their duties prescribed, and their remuneration fixed by the Council of Public Instruction: Inspectors of Grammar Schools.

Maps and Apparatus to Grammar and Common Schools.

3. A sum not exceeding two thousand and five hundred pounds per annum, may be expended in providing the Grammar and Common Schools in Upper Canada, with maps and apparatus, upon the same terms and in the same manner as books are or may be provided for Public School Libraries:

Public Libraries.

4. A sum not exceeding three thousand five hundred pounds per annum, may be expended as heretofore provided by law, in further aiding in the establishment and extension of Public Libraries in connection with the Grammar and Common Schools in Upper Canada:

Assistance in Map and Apparatus Depositories.

5. A sum not exceeding three hundred and fifty pounds per annum, shall be allowed for the payment of two assistant clerks and salesmen of the public library, map and school apparatus depositories, in connexion with the Department of Public Instruction in Upper Canada:

Superannuated Teachers.

6. A sum not exceeding five hundred pounds per annum, shall be allowed for the support and maintenance of superannuated Teachers:

Aid to Common Schools.

7. The whole of the remainder of the said grants shall be expended as further aid to Common Schools in Upper Canada, according to the provisions of the Common School Acts of Upper Canada, and of this Act.

Contested Elections in Cities, Towns, and Villages.

II. The Judge of any County Court shall have authority, within twenty days after the meeting for the election of a Common School Trustee in any City, Town, or incorporated Village of such County, to receive and investigate any complaint respecting the mode of conducting such election, and to confirm it or set it aside, and appoint the time and place of holding a new election, as he shall judge right and proper; Provided always, that if the returning officer at such election shall be clearly convicted before such County Judge of disregarding the requirements of the law or acting partially in the execution of his office, he shall be fined a sum of not less than five pounds, nor more than twenty-five pounds at the discretion of such County Judge; Provided also, that the expenses of such school election contest shall be paid by the parties concerned in it, as may be decided by the said County Judge.*

Proviso: Responsibility of Returning Officer.

Proviso: Election expenses.

Chief Superintendent to lay Returns before Parliament.

III. The Chief Superintendent of Education in Upper Canada shall annually lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys that may come into his hands as such Chief Superintendent.

* See note § on page 19.

ACT.

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books and salesmen
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nection with Upper Canada:

hundred pounds per annum, shall be
paid to Teachers:

shall be expended
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law, and of this

authority, within
Common School
each County, to
the effect of conducting
at the time and
with proper;
selection shall be
made the require-
ment of his office, he
shall not exceed twenty-
five. Provided also,
that he shall be paid by the
County Judge.*

Upper Canada shall
thereof, a correct
list of all moneys that

GRAMMAR SCHOOL ACT.

ACT 16 VIC., CAP. 180.

An Act to amend the Law relating to Grammar Schools in Upper Canada.

[Royal Assent, 14th June, 1833.]

Whereas it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all moneys arising from the sale of lands set apart, or which may hereafter be set apart, for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to or vested in or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may hereafter be made by Parliament, or which may be, or become, otherwise available from any other sources for that purpose, shall form a fund to be called *The Upper Canada Grammar School Fund*, and shall be invested in Government or other securities by the direction of the Governor in Council: and the annual income thereof after the deduction therefrom of One Hundred Pounds yearly for a Senior Grammar School for each County or Union of Counties of Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of One Hundred Pounds for each such Senior Grammar School as aforesaid, annually apportioned to the several Counties and Unions of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada; or, if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys according to the best evidence which he can obtain of the

Grammar
School Fund—
how constituted.

In what securi-
ties it shall be
invested.

Annual income
to be apportion-
ed annually by
the Chief Super-
intendent of
Schools.

£100 per annum
to a senior gram-
mar School.

Proviso:

When the Senior Grammar School is in a City.

relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio or population : Provided always, that when the Senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of One Hundred Pounds a year shall be paid to such School, although the same may continue within the limits of such City.

Municipal Councils may levy assessments for supporting Grammar Schools and their appendages.

II. And be it enacted, That it may and shall be lawful for the Municipal Council of each County, City, Township, Town or Incorporated Village from time to time, to levy and collect by assessment such sum or sums as it shall judge expedient, to purchase the site or sites of, rent, build, repair, furnish, warm and keep in order, a Grammar School House or Grammar School Houses, and its or their appendages, grounds and enclosures, for procuring apparatus and text-books, for providing the salary of the Teacher or Teachers, and all other necessary expenses of such County Grammar School or Schools ; and all sums so collected shall be paid over to the Treasurer of the County Grammar School for which the said assessment was made.

Sums so collected to whom to be paid over.

Notice to be given touching the apportionment aforesaid.

III. And be it enacted, That the Chief Superintendent of Schools for Upper Canada shall, on or before the first day of May in each year, notify each County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County, and shall give notice of the same to the Inspector General ; and such moneys shall be payable to the Treasurer of each County entitled to receive it, one half on or before the first day of July, and the other half on or before the thirty-first day of December, in each year, in such manner as may be determined by the Governor : Provided always, that the sum or sums raised by local assessment or subscriptions for the support of Grammar Schools shall be payable each year on or before the fourteenth day of December.

Payable half yearly.

Proviso.

IV. And be it enacted, That the sum or sums of money annually apportioned to each County, as provided in the first section of this Act, shall be expended in the payment of the salaries of Teachers, and for no other purpose.

Apportionment to be expended solely in paying Teachers.

Certain subjects to be taught in each Grammar School.

V. And be it enacted, That in each County Grammar School provision shall be made for giving instruction, by a Teacher or Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education including the Elements of Natural Philosophy and Mechanics, and also in the Latin and Greek languages and the Mathematics so far as to prepare students for University College or any College affiliated to the University of Toronto, according

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to a programme of studies and general rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council: Provided always, that no Grammar School shall be entitled to receive any part of the Grammar School Fund, which shall not be conducted according to such programme, rules, and regulations.

Proviso.

VI. And be it enacted, That the Council for Public Instruction for Upper Canada, (of which the President of University College and the President or other Head of each of the Colleges in Upper Canada affiliated to the University of Toronto, shall be Members for the purposes of this Act,) shall prepare and prescribe a list of text-books, programme of studies, and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council.

Council of Public Instruction to select Books and prepare a programme of studies.

VII. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools to make annually to the Governor, on or before the first day of July, a report of the actual state of the Grammar Schools in Upper Canada, shewing the amount of moneys expended in connection with each, and from what sources derived, with such suggestions for their improvement as he shall deem useful and expedient; —to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations provided according to law; and to prepare suitable forms, and to give such instructions as he shall judge necessary and proper for making all reports and conducting all proceedings under this Act, and to cause the same, with a sufficient number of copies of this Act, and such general rules and regulations as shall be approved of, as aforesaid, for the better organization and government of Grammar Schools, to be printed in a convenient form, and transmitted to the parties required to execute the provisions of this Act.

Duties of the Chief Superintendent with regard to Grammar Schools.

VIII. And be it enacted, That the Trustees of the several Grammar Schools in Upper Canada, appointed before this Act shall come into force, shall continue and be *ex-officio* Trustees of the respective Schools for which they shall have been appointed, and shall continue to discharge their duties as such until the appointment and organization of new Boards of Trustees for their respective Schools as herein provided.

Present Trustees to remain in office until others are appointed and organized.

IX. And be it enacted, That the several Grammar School Trustees for each County and Union of Counties in Upper Canada, shall meet together on the first Wednesday in January next after the passing of this Act, and select from amongst themselves three Trustees, (one of

Appointment of new Board of Trustees.

Quorum.

Retirement of Members.

Appointment of three Trustees by the County Council.

Vacancies how to be filled up.

Board of Trustees to be appointed for each Grammar School hereafter to be formed.

Proviso.

Proviso.

whom shall retire annually from the said Board, on the thirty-first day of January in each year,) for each of the Grammar Schools within such County or Union of Counties, who with three other Trustees for each such School, to be chosen as hereinafter provided by the Municipal Council of the County or Union of Counties, shall compose the Board of Trustees (consisting of six members, three of whom shall constitute a *quorum*) for each such Grammar School, and the order in which the persons so selected by the said Trustees shall retire from the said Board shall be decided by lot: And the several County Municipalities in Upper Canada, at their first sittings to be held after the said first day of January next, shall select and appoint three fit and proper persons, one of whom shall also retire annually from the said Board on the thirty-first day of January in each year, to be Trustees for each of the Grammar Schools within their Counties or Union of Counties, and shall also decide the order in which the said persons so chosen, and all persons to be chosen by them as Trustees, shall retire from the said Board: And the vacancies occasioned by the retirement of the said two Trustees annually, as also any occasional vacancy in the said Board, shall be filled up by such County Municipality, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve, and the places of the two persons who shall retire from Office annually (but may be re-elected) shall be filled up by the County Municipality at its first meeting to be held after the first day of January in each year, although the year within which such two Trustees shall retire may not then have wholly expired.

X. And be it enacted, That it may and shall be lawful for the Municipal Council of each County or Union of Counties hereafter to be formed or set apart in Upper Canada, to appoint not less than six or more than eight fit and proper persons (three of whom shall be a *quorum* for the transaction of business) as a Board of Trustees for each Grammar School in such County or Union of Counties: Provided always, that two of the persons thus appointed (to be determined by such Council) shall retire from office annually on the thirty-first day of January in each year, (but may be re-appointed) and their places, as also any occasional vacancy, shall be filled up by such Councils: Provided also, that the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant, was appointed to serve: Provided likewise that such Municipal Councils shall appoint such Trustees at their first or other meeting after the Municipal Elections in each year,

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although the time may not then have expired for the retiring of the two Trustees who are to go out annually, and all Trustees under this Act shall hold their offices until their successors shall be appointed as herein provided.

XI. And be it enacted, That the Board of Trustees of each County Grammar School shall be and is hereby declared to be a Corporation, and to have and possess all the powers which are usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act; they shall meet at or near the place where each such School is held, on the first Wednesday in February in each and every year, and it shall be the duty of such Trustees:

Board of Trustees
Incorporated.

Duties of such
Boards.

First. To appoint annually, or oftener, from amongst themselves, a Chairman, Secretary and Treasurer, and to fix the times and places of their meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of their proceedings.

Appointing
Officers.

Secondly. To take the charge of the County Grammar School for which they are appointed Trustees, and the buildings and lands appertaining to it; to remove if they see fit and in case of vacancies to appoint the Master or other Teacher or Teachers in such School, to fix their salaries and prescribe their duties; to appoint such other officers or servants in such Schools as they may judge expedient, and fix their remuneration; to do whatever may be expedient with regard to erecting, repairing, warming, furnishing or keeping in order, the building or buildings of such School and its appendages, lands and enclosures, and to apply (if necessary) for the requisite sum or sums to be raised by Municipal authority for such purpose or purposes: Provided always, that no person (except a Graduate of some University or University College,) shall hereafter be appointed Master of a Grammar School unless he shall have previously obtained a Certificate of qualification from a Committee of Examiners (one of whom shall be the Head Master of the Normal School,) appointed by the Council of Public Instruction.

Taking charge of
Schools: appoint-
ing Teachers, &c.

Taking care of
Building, &c.

Applying to the
Municipality for
funds.

Provided: Masters
to be examined,
unless Graduates

Thirdly. To settle the amount to be paid by parents and guardians for each pupil attending such School, and to fix the time or times of payment, and to apply the moneys received therefor as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, maps, text-books and registers, and for any other necessary expenses of such School; and they shall have authority to sue for and recover such amounts, and when collected the same shall be paid over to the Treasurer of the said Board of Trustees.

Causing Rate
Bills to be levied.

Fourthly. To employ such means as they may judge expedient, in

Uniting with

Common Schools concurrence with the Trustees of the School Section or the Board of Common School Trustees in the Township, Village, Town, or City in which such Grammar School may be situate, for uniting one or more of the Common Schools of such Township, Village, Town, or City, or

Proviso. departments of them, with such Grammar School: Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher or Teachers; And provided also, that the Schools thus united shall be under the management of the Joint Board of Grammar and Common School Trustees, who shall have the powers of the Trustees of both the Common and Grammar Schools; but when the Trustees of the Common School shall exceed six in number, then they shall reduce their number to six in the Joint Board.*

Schools so united to be under management of Joint Board.

Books, Examinations, &c. *Fifthly.* To see that the pupils of such Grammar School are supplied with proper text-books; that public half yearly examinations of the pupils are held, and due notice given of them; and that such School is conducted in accordance with the regulations which shall be provided according to law.

Giving orders for money on the County Treasurer. *Sixthly.* To give the necessary orders upon the County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any moneys in his hands for the payment of the salaries of the officers of such school and of any necessary expenses; to prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Schools, an annual report, which shall contain a full and accurate account of all matters appertaining to such School, in accordance with a form of report which shall be provided according to law.

Names by which Grammar Schools shall be designated. XII. And be it enacted, That each County Grammar School shall be distinguished by prefixing to the term "County," the name of the City, Town or Village within the limits of which it may be situate; and that the Trustees of all such Grammar Schools shall severally use such distinguished titles as their corporate name.

Which shall be the Senior Grammar School of any County. XIII. And be it enacted, That the Grammar School of the County or Union of Counties, situate at the County Town of every County or Union of Counties, in Upper Canada, shall be the Senior County

*The powers of the Joint-Board include the levying of property-rates, and application to the Municipal Council for whatever sums they may require; see the several clauses of the 24th section of the School Act of 1834; and the 1st section of the Supplementary Act. The union of the Boards implies a harmonious system and gradation of schools.—the Common School department teaching the elementary branches, and being open to all without examination: the Grammar School department teaching the higher branches, with the classics and mathematics, and being the prize for those Common School pupils, and others, whose literary qualifications enable them to pass the required examination.

Grammar School of such County or Union of Counties, and if the Courts of Assize and Nisi Prius for any of such Counties or Union of Counties are usually held in a City, such City for the purposes of this Section shall be considered a County Town.

XIV. And be it enacted, That from and after the time when this Act shall come into force, the several County Municipalities shall have power and authority to establish additional Grammar Schools within their limits, and to appoint Trustees therefor according to the tenth Section of this Act; but no new Grammar School shall be established until the state of the Grammar School Fund shall permit the application of a sum equal at the least to Fifty Pounds annually to such new School, after paying to each Senior County Grammar School the Sum of One Hundred Pounds annually, and to all other Grammar Schools within such County, an amount which on the average would equal at least the annual sum of Fifty Pounds to each of such Schools; Provided always, that the sum or sums of money apportioned out of the Grammar School Fund to each County, shall be distributed amongst the several Grammar Schools of such County within the restrictions imposed by this Act under such rules and regulations as may from time to time be made by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council.

County Municipalities may establish additional Grammar Schools in certain cases, and on certain conditions.

Proviso: as to apportionment of public moneys for Grammar Schools.

XV. And be it enacted, That the Grammar Schools at present established, or which may be established at the time this Act comes into force, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School by a resolution to be passed for that purpose and approved by the Governor in Council: But the place of holding any Grammar School to be established after this Act comes into force, may be changed by the County Council of the County within which it is established.

Where Grammar Schools now existing shall be kept.

Change of site.

Grammar Schools established after this Act is in force.

XVI. And whereas it is desirable, at Seminaries and places of education, to direct attention to natural phenomena, and to encourage habits of observation; And whereas a better knowledge of the climate and meteorology of Canada will be serviceable to agricultural and other pursuits, and will be of value to scientific inquirers: Be it therefore enacted, That it shall be part of the duty of the Master of every Senior County Grammar School, to make the requisite observations for keeping, and to keep, a Meteorological Journal, embracing such observations; and kept according to such form as shall, from time to time, be directed by the Council of Public Instruction; and all such Journals, or Abstracts of them, shall be presented annually by the Chief Superintendent of Schools, to the Governor, with his Annual Report:

Rectal.

Masters of Senior Grammar Schools to keep Meteorological Journals.

To be presented by Chief Superintendent to the Governor.

Grammar school
to be supplied
with certain
instruments.

Every Senior County Grammar School shall, on or before the last day of November, one thousand eight hundred and fifty-four, be provided, at the expense of the County Municipality, with the following Instruments:

The Instru-
ments.

One Barometer:

One Thermometer for the temperature of the air:

One Daniel's Hygrometer, or other Instrument for showing the Dew Point:

One Rain-Guage and Measure:

One Wind-Vane.

Chief Superin-
tendent to pro-
vide Instru-
ments at the re-
quest and cost
of the Municipality.

And it shall be the duty of the Chief Superintendent of Schools to procure these Instruments, at the request and expense of the Municipal Council of any County, and to furnish the Master of any Senior County Grammar School with a book for registering observations, and with forms for abstracts thereof, to be transmitted to the Chief Superintendent by such Master, who shall certify that the observations required have been made with due care and regularity.

Acts of U. C. 47
G. 3, c. 6.

XVII. And be it enacted, That the Act of the Parliament of Upper Canada, passed in the forty-seventh year of the reign of King George the Third, and intituled, *An Act to establish Public Schools in each and every District of this Province*, and the Act of the said Parliament, passed in the forty-eighth year of the same reign, and intituled

48 G. 3, c. 16.

An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to establish Public Schools in each and every District of this Province', and the Act of the said Parliament, passed in the second session held in the fifty-ninth year of

59 G. 3, c. 4.

the same Reign and intituled, *An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same*,

7 W. 4 c. 106.

and the Act of the said Parliament, passed in the seventh year of the Reign of King William the Fourth, and intituled *An Act to repeal part of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled 'An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of the Province', and to establish the Public School for the London District, in the Town of London*, and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth year of Her Majesty's Reign, and intituled, *An Act to make temporary provisions for the appropriation of the Funds derived from the Sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes*, and the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign,

And of Canada,
4 & 5 V. c. 19.

and intituled, *An Act to amend the Act therein mentioned, relating to* 9 V., c. 19.
the appropriation of moneys derived from the Sale of School Lands
in Upper Canada, and the Act of the Parliament of this Province,
passed in the Session held in the thirteenth and fourteenth years of
Her Majesty's Reign and intituled, An Act to provide for the payment 13 & 14 V. c. 91.
of a sum of money therein mentioned for the use and support of three
additional Grammar Schools in the County of York, for the year
one thousand eight and forty-nine, and the Act of the Parliament of
this Province, passed in the Session held in the fourteenth and fifteenth 14 & 15 V. c. 109,
years of Her Majesty's Reign and intituled, An Act to repeal the pro-
vision limiting the distance between the County Town and any addi-
tional Grammar School in the same County, in Upper Canada, and
all other laws and statutes relating to the Grammar Schools, or Gram-
mar School moneys in Upper Canada, so far as they are contrary to the
provisions of this Act, shall be and the same are hereby repealed from
and after the day this Act shall come into force; Provided always, that Proviso.
all appointments of Trustees, Masters or Teachers of Grammar Schools
shall continue in force, as if made under the authority of this Act, until
revoked or changed according to the provisions of the same.

XVIII. And be it enacted, That this Act shall have force and effect Commencement
upon, from and after the first day of January, one thousand eight hun- of Act.
dred and fifty-four, and not before.

GRAMMAR SCHOOL SITES ACT.

ACT 9 VIC. CAP. 17.

An Act to provide for vesting in Trustees the Sites of Schools in that
part of this Province called Upper Canada.

[Royal Assent, 18th May, 1846.]

Whereas difficulties have been experienced by persons interested in
Schools in that part of this Province called Upper Canada, in securing Preamble.
the titles to real property, for the use of such Schools, for want of a
corporate capacity to take and hold the same in perpetual succession;
and whereas it is expedient and proper to provide relief in such cases;
Be it therefore enacted, &c., That it shall and may be lawful for any
number of persons, residing in that part of this Province called Upper
Canada, who may be interested in any School established or to be
established in any Town or Township therein, whether as Parents of
Children frequenting such Schools, or as contributors to the same, or
both, when, and as often as they may have occasion or be desirous to
take a conveyance of real property for the use of such Schools, to elect

Persons interest-
ed in any School
in Upper Canada
may name Trust-
tees to take con-
veyance of site.

Such Trustees to
have certain cor-
porate power.

Provided.

Deed to be regis-
tered.

from among themselves, and to appoint any number of Trustees, not exceeding seven nor less than five, to whom and to whose successors, to be appointed in such manner as shall be specified in the Deed of Conveyance, the real property requisite for such School may be conveyed; and such Trustees, and their successors in perpetual succession by the name expressed in such Deed, shall be capable of taking, holding, and possessing such real property, and of commencing and maintaining any action or actions at law or in equity for the protection thereof, and of their right thereto: Provided always, that there shall not be held in trust as aforesaid more than ten acres of land at any one time for any one School; Provided also, that nothing in this Act contained shall be construed to extend to Common Schools.

II. And be it enacted, That such Trustees shall, within twelve calendar months after the execution of such Deed, cause the same to be registered in the Office of the Register of the County in which the land lies.

SCHOOL SITES ACT.

ACT 18 VIC., CAP. 121.

An Act to provide means for the sale of lands held for the purposes of public Educational Institutions in Upper Canada, when such lands cannot be conveniently used for such purposes.

[Royal Assent, 19th May, 1855.]

Preamble.

Whereas, it hath happened, and may happen, that lands have been, or may hereafter be, surrendered, granted, devised, or otherwise conveyed to the Crown, or to the Trustees of any District or County Grammar School, or to some other party, in trust, for the purposes of, or as a site for any such Grammar School, or of any other Educational Institution, established in some County or place, and for the benefit of the inhabitants thereof generally,—and that such lands may be found not to afford the most advantageous site for such School or Institution, or there may be no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or that it may be for the benefit of such School or Institution, that such lands be disposed of, and others acquired in their stead for the same purpose, or the proceeds of the sale applied thereto: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. That in any of the cases mentioned in the Preamble of this Act, it shall be lawful for the Trustees of any Grammar School or Institution or other party in whom any lands shall be vested in trust as therein mentioned, with the consent of the Municipal Council of the Municipality in which such School or Institution is or is to be established, to surrender and convey such lands to the Crown unconditionally; and any lands so surrendered, as well as any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purposes of the same School or Institution, or in the case of there being no School bearing the precise designation intended as aforesaid by the party from whom the lands so sold came to the Crown, then for the purposes of the Grammar School or other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, which shall, in the opinion of the Governor in Council come nearest in its purposes and designs to that intended by such party as aforesaid; and if such proceeds are applied to the purchase of Lands for Grammar School purposes, the title to such Lands may be vested in the Board of Trustees for any Grammar School, by their Corporate name: and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for or for other purposes of such School or Institution, then such surplus or proceeds, (as the case may be) may be invested or applied for the purposes of such School or Institution in such manner as the Governor in Council shall deem most for the advantage thereof.

Lands held in trust for Educational purposes, and not conveniently situated for such purpose, may be surrendered to the Crown, and sold, and the proceeds applied to the purchase of other lands.

If there be a surplus or no other lands required.

II. It shall not be necessary that any such surrender, grant, devise or other conveyance to the Crown as aforesaid, be formally accepted by the Crown or by the Governor or other officer or person for the Crown, but the same shall be valid, and shall vest the lands absolutely in the Crown, without such acceptance; and a certificate under the hand of the Head of the Municipality, and the corporate Seal thereof, that the Municipal Council hath, by a majority of its Members present at any legal meeting thereof, consented to any surrender for which

Surrender, &c., to the Crown need not be formally accepted.

KING'S COLLEGE CHARTER.

such consent is necessary under this Act, shall be sufficient evidence of such consent.

Purchaser not bound to see to trusts.

III. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money by him paid, to the purpose to which it is to be applied.

Rights of private parties not affected.

IV. Nothing in this Act shall be construed to impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act.

Certain Lands may be granted to Trustees of Grammar Schools, &c.

V. It shall be lawful for the Crown to grant to the Trustees of any Grammar School or of any other Public Educational Institution established for the benefit of the Inhabitants of the Municipality, generally, any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown as aforesaid.

Extent of Act.

VI. This Act shall apply only to Lands and Educational Institutions in Upper Canada.

KING'S COLLEGE CHARTER.

ACT 7th WILLIAM IV, CAP. XVI.

An Act to amend the Charter of the University of King's College.

[Passed 4th March, 1837.]

Preamble.

(See 2^d Vic. Chap. 10. Statutes of Canada, 4 & 5 Vic. Chap. 19. Secs 3 & 5.)

(Charter of King's College, recited.)

Whereas His late Majesty King George the Fourth, was graciously pleased to issue His Letters Patent, bearing date at Westminster the fifteenth day of March, in the eighth year of His reign, in the words following:—"George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth: To all to whom these Presents shall come—*Greeting: Whereas* the establishment of a College within our Province of Upper Canada, in North America, for the education of youth in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in our Universities in this Kingdom, would greatly conduce to the welfare of our said Province: *And whereas* humble application hath been made to us by many of our loving subjects in our said Province, that we would be pleased to grant our Royal Charter for the more perfect establishment of a College therein, and for incorporating the members thereof, for the purposes aforesaid: *Now know ye*, that we having taken the premises into our Royal consideration, and duly weighing

the great utility and importance of such an Institution, have, of our special grace, certain knowledge, and mere motion, ordained and granted, and do by these Presents, for Us, our Heirs and Successors, ordain and grant, that there shall be established, at or near our Town of York, in our said Province of Upper Canada, from this time, one College, with the style and privileges of an University, as hereinafter directed, for the education and instruction of youth and students in arts and faculties, to continue for ever, to be called 'King's College.' And we do hereby declare and grant, that our trusty and well-beloved, the Right Reverend Father in God, Charles James, Bishop of the Diocese of Quebec, or the Bishop for the time being of the Diocese in which the said Town of York may be situate, on any future division or alteration of the said present Diocese of Quebec, shall, for us, and on our behalf, be Visitor of the said College; and that our trusty and well-beloved Sir Peregrine Maitland, our Lieutenant-Governor, of our said Province, or the Governor, Lieutenant-Governor, or Person Administering the Government of our said Province, for the time being, shall be the Chancellor of our said College: And we do hereby declare, ordain and grant, that there shall at all times be one President of our said College, who shall be a clergyman in holy orders, of the United Church of England and Ireland, and that there shall be such and so many Professors in different arts and faculties within our said College, as from time to time shall be deemed necessary or expedient, and as shall be appointed by us or by the Chancellor of our said College, in our behalf and during our pleasure: And we do hereby grant and ordain, that the Reverend John Strachan, Doctor in Divinity, Archdeacon of York, in our said Province of Upper Canada, shall be the first President of our said College; and the Archdeacon of York, in our said Province, for the time being, shall by virtue of such his office, be at all times the President of the said College: And we do hereby for Us, our Heirs and Successors, will, ordain and grant, that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as Scholars of our said College, and their successors, for ever, shall be one distinct and separate body politic and corporate, in deed and in name, by the name and style of 'The Chancellor, President, and Scholars of King's College, at York, in the Province of Upper Canada,' and that by the same name they shall have perpetual succession, and a common seal, and that they and their successors shall, from time to time, have full power to alter, renew or change such common seal, at their will and pleasure and as shall be found convenient; and that by the same name they the said Chancellor, President and Scholars, and their successors, from time

Charter of King's
College, recited.

King's College.

March, 1837.]

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to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any messuages, lands, tenements and hereditaments, of what kind, nature, or quality soever, situate and being within our said Province of Upper Canada, so as the same do not exceed in yearly value the sum of fifteen thousand pounds sterling, above all charges; and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all or any goods, chattels, charitable, or other contributions, gifts or benefactions whatsoever: And we do hereby declare and grant that the said Chancellor, President and Scholars, and their successors, by the same name, shall and may be able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered, in all or any Court or Courts of Record within our United Kingdom of Great Britain and Ireland, and our said Province of Upper Canada, and other our dominions, in all and singular actions, causes, pleas, suits, matters, and demands whatsoever, of what nature or kind soever, in as large, ample and beneficial a manner and form as other body politic and corporate, or any other our liege subjects, being persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered, in any manner whatsoever: And we do hereby declare, ordain and grant, that there shall be within our said College or Corporation a Council, to be called and known by the name of 'The College Council,' and we do will and ordain, that the said Council shall consist of the Chancellor and President, for the time being, and of seven of the Professors in arts and faculties, of our said College, and that such seven Professors shall be members of the Established United Church of England and Ireland, and shall previously to their admission into the said College Council, severally sign and subscribe the Thirty-nine Articles of Religion, as declared and set forth in the Book of Common Prayer; and in case at any time there should not be within our said College seven Professors of arts and faculties, being members of the Established Church, aforesaid, then our will and pleasure is, and we do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of seven, exclusive of the Chancellor and President, for the time being, by such persons, being Graduates of our said College, and being members of the Established Church, aforesaid, as shall for that purpose be appointed by the Chancellor, for the time being, of our said College, and which members of Council shall in like manner subscribe the Thirty-nine Articles, aforesaid, previously to their admission into the said College Council: *And whereas* it is necessary to make provision for the completion and filling up of the said Council, at the first insti-

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tution of our said College, and previously to the appointment of any Professors or the conferring any degrees therein: Now we do further ordain and declare, that the Chancellor of our said College, for the time being, shall, upon or immediately after the first institution thereof, by warrant under his hand, nominate and appoint seven discreet and proper persons, resident within our said Province of Upper Canada, to constitute, jointly with him the said Chancellor and the President of our said College, for the time being, the first or original Council of our said College, which first or original members of the said Council shall in like manner respectively subscribe the Thirty-nine Articles, aforesaid, previously to their admission into the said Council: And we do further declare and grant, that the members of the said College Council, holding within our said College the offices of Chancellor, President, or Professor in any art or faculty, shall respectively hold their seats in the said Council, so long as they and each of them shall retain such their offices, as aforesaid, and no longer; and that the members of the said Council not holding offices in our said College, shall from time to time, vacate their seats in the said Council, when and so soon as there shall be an adequate number of Professors in our said College, being members of the Established Church, aforesaid, to fill up the said Council to the requisite number before mentioned: And we do hereby authorise and empower the Chancellor, for the time being, of our said College, to decide in each case what particular member of the said Council, not holding any such office, as aforesaid, shall vacate his seat in the said Council, upon the admission of any new member of Council holding any such office: And we do hereby declare and grant, that the Chancellor, for the time being, of our said College, shall preside at all meetings of the said College Council which he may deem it proper and convenient to attend, and that in his absence the President of our said College shall preside at all such meetings, and that in the absence of the said President, the senior member of the said Council, present at any such meeting, shall preside thereat, and that the seniority of the members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments: *Provided always*, that the members of the said Council being Professors in our said College, shall in the said Council take precedence over, and be considered as seniors to the members thereof not being Professors in our said College: And we do ordain and declare, that no meeting of the said Council shall be, or be held to be a lawful meeting thereof, unless five members, at the least, be present during the whole of every such meeting; and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by the

Charter of King's
College, rectified.

Charter of King's
College, recited.

majority of the votes of the members of Council present, including the vote of the presiding member; and that in the event of an equal division of such votes the member presiding at any such meeting shall give an additional or casting vote: And we do further declare, that if any member of the said Council shall die, or resign his seat in the said Council, or shall be suspended or removed from the same, or shall, by reason of any bodily or mental infirmity, or by reason of his absence from the said Province, be ~~be~~ ^{be} incapable, for three calendar months, or upwards, of attending the meetings of the said Council, then, and in every such case, a fit and proper person shall be appointed by the said Chancellor, to act as, and be a member of the said Council, in the place and stead of the member so dying or resigning, or so suspended, or removed, or incapacitated, as aforesaid, and such new member succeeding to any member so suspended or incapacitated, shall vacate such his office on the removal of any such suspension, or at the termination of any such incapacity, aforesaid, of his immediate predecessor in the said Council: And we do further ordain and grant, that it shall and may be competent to and for the Chancellor, for the time being, of our said College, to suspend from his seat in the said Council, any member thereof, for any just and reasonable cause to the said Chancellor appearing: *Provided*, that the grounds of every such suspension shall be entered and recorded, at length, by the said Chancellor, in the books of the said Council, and signed by him; and every person so suspended, shall, thereupon, cease to be a member of the said Council, unless, and until he shall be restored to and re-established in such his station therein by any order to be made in the premises by Us, or by the said Visitor of our said College, acting on our behalf, and in pursuance of any special reference from Us: And we do further declare, that any member of the said Council who, without sufficient cause, to be allowed by the said Chancellor, by an order entered for that purpose on the books of the said Council, shall absent himself from all the meetings thereof which may be held within any six successive calendar months, shall thereupon vacate such his seat in the said Council: And we do by these Presents, for Us, our Heirs and Successors, will, ordain and grant, that the said Council of our said College, shall have power and authority to frame and make statutes, rules and ordinances, touching and concerning the good government of the said College; the performance of Divine service therein; the studies, lectures, exercises, degrees in arts and faculties, and all matters regarding the same; the residence and duties of the President of our said College; the number, residence and duties, of the Professors thereof; the management of the revenues and property of our said College; the salaries, stipends, pro-

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vision and emoluments, of and for the President, Professors, Scholars, Officers and Servants thereof; the number and duties of such Officers and Servants; and also touching and concerning any other matter or thing which to them shall seem good, fit and useful, for the well-being and advancement of our said College, and agreeable to this our Charter; and also, from time to time, by any new statutes, rules or ordinances, to revoke, renew, augment or alter, all, every, or any of the said statutes, rules and ordinances, as to them shall seem meet and expedient: *Provided always*, that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of Upper Canada, or to this our Charter: *Provided also*, that the said statutes, rules and ordinances, shall be subject to the approbation of the said Visitor of our said College, for the time being, and shall be forthwith transmitted to the said Visitor for that purpose; and in that case the said Visitor shall, for us and on our behalf, in writing, signify his disapprobation thereof, within two years of the time of their being so made and framed, the same, or such part thereof, as shall be so disapproved of by the said Visitor, shall, from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise shall be and remain in full force and virtue: *Provided nevertheless*, and we do hereby expressly save and reserve to Us, our Heirs and Successors, the power of reviewing, confirming or reversing, by any order or orders to be by us or them made, in our or their Privy Council, all or any of the decisions, sentences or orders, so to be made, as aforesaid, by the said Visitor, for Us and on our behalf, in reference to the said statutes, rules and ordinances, or any of them: And we do further ordain and declare, that no statute, rule or ordinance, shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor, for the time being, of our said College: And we do require and enjoin the said Chancellor thereof, to consult with the President of our said College, and the next senior member of the said College Council, respecting all statutes, rules and ordinances, to be proposed by him to the said Council for their consideration: And we do hereby, for Us, our Heirs and Successors, charge and command, that the statutes, rules or ordinances, aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed, from time to time, in full vigour and effect, under the penalties to be thereby or therein imposed or contained: And we do further will, ordain and grant, that the said College shall be deemed

Charter of King's
College, revised.

Charter of King's
College, recited.

and taken to be an University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had or enjoyed, by virtue of these our Letters Patent; and that the students in the said College shall have liberty and faculty of taking the degrees of Bachelor, Master and Doctor, in the several arts and faculties, at the appointed times, and shall have liberty within themselves of performing all Scholastic exercises, for the conferring such degrees, in such manner as shall be directed by the statutes, rules and ordinances of the said College: And we do further will, ordain and appoint, that no religious test or qualification shall be required of or appointed for any persons admitted or matriculated as Scholars within our said College, or of persons admitted to any degree in any art or faculty therein, save only that; all persons admitted within our said College to any degree in Divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree of Divinity in our University of Oxford: And we do further will and direct and ordain, that the Chancellor, President and Professors of our said College and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law or Medicine, and who from the time of such their admission to such degree, shall pay the annual sum of twenty shillings, sterling money, for and towards the support and maintenance of the said College, shall be, and be deemed, taken and reputed, to be members of the Convocation of the said University, and as such members of the said Convocation shall have, exercise and enjoy, all such and the like privileges as are enjoyed by the members of the Convocation of our University of Oxford, so far as the same are capable of being had and enjoyed by virtue of these our Letters Patent, and consistently with the provisions thereof: And we will, and by these Presents for Us, our Heirs and Successors, do grant and declare, that these our Letters Patent, or the enrolment or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual, in the law, according to the true intent and meaning of the same, and shall be taken, construed and adjudged, in the most favourable and beneficial sense, for the best advantage of the said Chancellor, President and Scholars of our said College, as well in our Courts of Record as elsewhere, and by all and singular Judges, Justices, Officers, Ministers and other Subjects whatsoever, of Us, our Heirs, and Successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding: In witness whereof we have caused these our Letters to be made Patent:

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II.
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Witness ourself at Westminster, the fiftenth day of March, in the eighth yoor of our reign—By writ of Privy Seal.—(Signed)—Bathurst"; *And whereas* certain alterations appear necessary to be made in the same, in order to meet the desire and circumstances of the Colony, and that the said Charter may produce the benefits intended: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That for and notwithstanding any thing in the said Charter contained, the Judges of His Majesty's Court of King's Bench, shall, for and on behalf of the King, be Visitors of the said College, in the place and stead of the Lord Bishop of the Diocese of Quebec, for the time being; and that the President of the said University, on any future vacancy, shall be appointed by His Majesty, His Heirs and Successors, without requiring that he should be the incumbent of any Ecclesiastical office; and that the members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney and Solicitor General, for the time being, shall be four, and the remainder shall consist of the five senior Professors of arts and faculties of the said College, and of the Principal of the Minor or Upper Canada College; and in case there shall not at any time be five Professors, as aforesaid, in the said College, and until Professors shall be appointed therein, the Council shall be filled with members to be appointed as in the said Charter is provided, except that it shall not be necessary that any member of the College Council, to be so appointed, or that any member of the said College Council, or any Professor, to be at any time appointed, shall be a member of the Church of England, or subscribe to any articles of religion other than a declaration that they believe in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Trinity; and further, that no religious test or qualification be required or appointed for any person admitted or matriculated as Scholars within the said College, or of persons admitted to any degree or faculty therein.

Judges of King's Bench shall be Visitors of the said College;

President, on any future vacancy, need not be the incumbent of any Ecclesiastical office;

College Council to consist of twelve members;

No member of the College Council, or Professor of the University, need be a member of the Church of England.

No religious test required of Students.

II. *And whereas* it is expedient that the Minor or Upper Canada College, lately erected in the City of Toronto, should be incorporated

Upper Canada College incorpo-

rated with the
University of
King's College.

with, and form an appendage of the University of King's College: *Be it therefore enacted by the authority aforesaid*, That the said Minor or Upper Canada College shall be incorporated with, and form an appendage of the University of King's College, and be subject to its jurisdiction and control.

Principal of
Upper Canada
College to be
appointed by His
Majesty, during
pleasure.

III. *And be it further enacted by the authority aforesaid*, That the Principal of the said Minor or Upper Canada College, shall be appointed by the King, during His Majesty's pleasure.

Vice-Principal
and Tutors of
Upper Canada
College to be
nominated by the
Chancellor of
King's College,
subject to the
approval of the
College Council.

IV. *And be it further enacted by the authority aforesaid*, That the Vice-Principal and Tutors of the said Minor or Upper Canada College, shall be nominated by the Chancellor of the University of King's College, subject to the approval or disapproval of the Council thereof.

Chancellor of
King's College
may suspend or
remove Vice-
Principal or
Tutors of U. C.
College.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Chancellor of the said University, for the time being, to suspend or remove either the Vice-Principal or Tutors of the said Minor or Upper Canada College: *Provided*, that such suspension or removal be recommended by the Council of the said University, and the grounds of such suspension or removal recorded at length in the books of the said Council.

TORONTO UNIVERSITY.

16 VIC., CAP. 89.

An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof and that of Upper Canada College.

[Assented to 22nd April, 1863.]

Preamble.

Whereas the enactments hereinafter repealed have failed to effect the end proposed by the Legislature in passing them, inasmuch as no College or Educational Institution hath under them become affiliated to the University to which they relate, and many parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes; And whereas from these and other causes, many do and will prosecute and complete their studies in other institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic honours and rewards which their

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diligence and proficiency may deserve, and thereby to encourage them and others to persevere in the pursuit of knowledge and sound learning; And whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London in England, to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections hereinbefore referred to: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Charter of the University established at Toronto, by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to remove certain doubts respecting the intention of the Act of the last Session of the Parliament of this Province, for amending the Charter of the University of Toronto, and to provide for the institution and endowments of Regius and other Professorships, Lectureships, Fellowships, Scholarships, Exhibitions, Prizes and other Rewards connected with the said University, and with the College and Royal Grammar School of Upper Canada College, forming an appendage thereof*, are hereby repealed, as is also so much of the Charter referred to in the Act first mentioned, as may be inconsistent with this Act; but so much of the said Charter as shall not be inconsistent with this Act, shall remain in force.

Acts 13 V.
c. 62, and

13 & 14 V. c. 49,
repealed.

Royal Charter.

UNIVERSITY OF TORONTO.

II. The University established by the Charter aforesaid and mentioned in the said Acts, shall henceforth be called *The University of Toronto*, and shall continue to be a Body Corporate, with the powers vested in Corporate bodies by the Interpretation Act, and power to hold such real property as may be assigned to it under the provisions of this Act, and such other powers and privileges as are conferred upon it by those portions of the said Charter remaining in force, or by this Act, but such powers shall be exercised in accordance with the provisions of this Act.

Corporate
name of Univer-
sity.

General powers.

Functions of
University defi-
ned.

III. There shall be no Professorship or other Teachership in the said *University of Toronto*, but its functions shall be limited to the examining of Candidates for Degrees in the several Faculties, or for Scholarships, Prizes or Certificates of Honor in different branches of knowledge, and the granting of such Degrees, Scholarships, Prizes and Certificates, after Examination, in the manner hereinafter mentioned.

Corporation how
composed.

IV. The said Corporation of *The University of Toronto* shall hereafter consist of one Chancellor, one Vice-Chancellor, and such number of other Members of the Senate as the Governor of this Province shall from time to time appoint under His Hand and Seal at Arms, and as shall be appointed by the Senate under the power hereinafter given.

Senate, Chancel-
lor and Vice-
Chancellor.

V. The Chancellor, Vice-Chancellor and other Members of the Senate for the time being, shall constitute the Senate of the said University; and the first Chancellor and Vice-Chancellor shall be appointed by the Governor in the manner aforesaid.

Vacancies in
Chancellorship.

VI. Whenever a vacancy shall occur in the office of Chancellor of the said University, either by death, resignation or otherwise, the Governor may, in the manner aforesaid, nominate a fit and proper person to be Chancellor instead of the Chancellor occasioning such vacancy.

Office of Vice-
Chancellor after
the first to be an
elective one.

VII. The office of Vice-Chancellor of the said University shall be a biennial one, that is to say, the term of office of each Vice-Chancellor shall expire on some day in the calendar year next but one after that in which he shall have been appointed or elected, and the day on which the term of office shall expire shall be appointed by Statute of the University; and the Members of the Senate shall, at a meeting to be holden for that purpose on some day within a month before the expiration of the said term of office, of which meeting notice shall be given in such manner as shall be fixed by Statute, elect some one of the Members of the Senate to be Vice-Chancellor when the term of office of the then Vice-Chancellor shall expire, and so from time to time biennially; or in case of the death, resignation, or other vacancy in the office of any such Vice-Chancellor, before the expiration of his term of office, they shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be, of which notice shall be given in manner aforesaid, elect one other of the said Members of the Senate to be Vice-Chancellor for the remainder of the term in which such death, resignation, or other avoidance shall happen.

Election to be
biennial.

Election of
Members of
Senate by the
remaining

VIII. If at any time, by death or otherwise, the number of the said Members of the Senate shall be reduced below the number of ten, exclusive of the Chancellor and Vice-Chancellor for the time being,

Teachership in the
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Toronto shall here-
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then and in such case, and as often as the same shall happen, if the Governor do not think proper to complete the said number by appoint-^{Members in certain cases.}ment, the Members of the Senate shall, as soon as conveniently may be, at a meeting to be holden for that purpose, of which notice shall be given in such manner as shall be provided by Statute, elect one or more fit and proper persons to be Members of the Senate in addition to the then remaining Members thereof, to the end that by means of such election the number of ten Members of the Senate of the said University may be completed, exclusive of the Chancellor, and Vice-Chancellor of the said University; but no person shall be appointed or elected a Member of the Senate who shall not be a subject of Her Majesty.

IX. The Governor of this Province shall be (as heretofore) the Governor to be the Visitor. Visitor of the said University on behalf of Her Majesty, and such visitatorial powers may be exercised by commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor, shall be binding on the said University and its Members and on all others whomsoever.

X. The Chancellor, Vice-Chancellor and Members of the Senate for the time being, shali (subject to the provisions of this Act relative to the income and property of the said University), have the management of and superintendence over the affairs and business thereof; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate to make such Statutes and to act in such manner as to them shall appear best calculated to promote the purposes of the said University; and the said Chancellor, Vice-Chancellor and Members of the Senate shall have full power from time to time to make and alter any Statutes (so as the same be not repugnant to the laws of Upper Canada, or to the general objects and provisions of this Act), touching the examination for Degrees, or for Scholarships, Prizes or Certificates of Honour, and the Granting of such Degrees, Scholarships or Certificates, and the fees to be paid by Candidates for examination or upon taking any Degree, and the application of such fees, and touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof, and in general touching all other matters whatsoever regarding the said University or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case unprovided for by this Act; and all such Statutes when reduced into writing, and after the Common Seal of the said University shall have been affixed thereto, and after they shall have been approved by the Visitor, shall be binding upon all persons being Members or Officers^{Senate to manage the business of the University.}^{Power to make Statutes.}^{Statutes to be approved by the Visitor before}

they are binding, thereof, and upon all Candidates for Degrees, Scholarships, Prizes or Certificates of Honour to be conferred by the said University, and all others whom it may concern, a certified copy of such Statutes being deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the said University, for his approval; and no such Statute shall have force or effect until it shall have been approved by the Visitor, and such approval signified through the said Secretary: Provided always, that by any such Statute approved as aforesaid power may be given to any Committee, Officers or persons to make Regulations for better carrying out the provisions or object of any Statute, in the manner and to the extent therein prescribed.

Proviso.

Power to grant Certificates of Honour,

XI. In addition to the power conferring Degrees in Arts and Faculties vested in the said University, the said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to grant Certificates of Honour in such branches of knowledge as they shall from time to time, by Statutes to be made in that behalf, determine.

Majority to decide, &c.

XII. All questions which shall come before the Chancellor, Vice-Chancellor and Members of the Senate, shall be decided by the majority of the Members present; but in case of equality of votes, the maxim *præsumitur pro negante* shall prevail.

Quorum.

XIII. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor, and four other Members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other Member of the Senate at the least, shall be present at the time of such decision, nor shall any Meeting be legally held unless held at the times or convened in the manner provided for by Statute as aforesaid.

Legal Meetings of the Senate.

Chairman.

XIV. At every Meeting of the Chancellor, Vice-Chancellor and Members of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman, or in the absence of both a Chairman shall be chosen by the Members present or a majority of them.

Officers.

XV. The said Chancellor, Vice-Chancellor and Members of the Senate for the time being shall have full power to appoint by Statute from time to time, and as they shall see occasion to remove in like manner, all Examiners, Officers and Servants of the said University, except the Bursar hereinafter mentioned.

Examinations for Degrees, &c.

XVI. Once at least in every year, at a time or times to be fixed by Statute, the said Chancellor, Vice-Chancellor and Members of the

Senate shall cause to be held an Examination of the Candidates for Degrees, Scholarships, Prizes or Certificates of Honor as aforesaid; and at every such Examination the Candidates shall be examined by Examiners appointed for the purpose by the said Chancellor, Vice-Chancellor and Members of the Senate; and at every such Examination the Candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Chancellor, Vice-Chancellor and Members of the Senate shall consider the most fitting subjects for such examination; and special Examinations may be held for Honors; and all such Examinations shall be open and public.

XVII. And in order to extend the benefits of Colleges and Establishments already instituted in this Province for the promotion of Literature, Science and Art, whether incorporated or not incorporated, by connecting them for such purpose with the said University, all persons shall be admitted as Candidates for the respective Degrees of Bachelor of Arts and Master of Arts, to be conferred by the said University of Toronto, on satisfying the Chancellor, Vice-Chancellor and Members of the Senate, by proper Certificates, that such persons have in any of the Institutions hereinafter mentioned, gone through and completed such course of instruction as the said Chancellor, Vice-Chancellor and Members of the Senate shall, by Statutes to be made as aforesaid from time to time, determine; and the Institutions in which such course of instruction may be completed shall be those hereinafter mentioned, that is to say: all Colleges in Upper or Lower Canada incorporated by Royal Charter or by Act of the Parliament of this Province, or of either of the late Provinces of Upper or Lower Canada, and also such other Institutions, corporate or unincorporated, as now are or shall hereafter be established for the purposes of education within this Province, which the Governor of this Province shall from time to time prescribe to the said Chancellor, Vice-Chancellor and Members of the Senate, under His Hand and Seal at Arms.

From what College, &c., Students may be examined for Degrees in Arts.

Governor may nominate others.

XVIII. And for the purpose of granting the Degrees of Bachelor of Medicine and Doctor of Medicine, and the improvement of Medical Education in all its branches, as well in Medicine as in Surgery, Midwifery, and Pharmacy, and for the purpose of granting the Degrees of Bachelor of Laws and Doctor of Laws, respectively, the said Chancellor, Vice-Chancellor and Members of the Senate shall, from time to time, report to the Governor of this Province, through the Provincial Secretary, what appear to them to be the Medical Schools and Institutions, or the Law Schools and Institutions, whether corporate or unincorporated, in this Province, from which, either singly or jointly with other Medical or Law Schools or Institutions in this Province, or in other parts of

From what Institutions Students may be examined for Degrees in Law or Medicine.

Her Majesty's Dominions, or in Foreign parts, it may be fit and expedient, in the judgment of the said Chancellor, Vice-Chancellor and Members of the Senate, to admit Candidates for Degrees in Medicine or in Law, and on approval of such report by the Governor shall admit any person to examination as a Candidate for the respective Degrees of Bachelor of Medicine or Doctor of Medicine, Bachelor of Laws or Doctor of Laws, to be conferred by the said University, on his satisfying the said Chancellor, Vice-Chancellor and Members of the Senate, that such Candidate has therein gone through and completed a course of instruction during such period as they shall, by regulations in that behalf, determine; and it shall be lawful for the said Chancellor, Vice-Chancellor and Members of the Senate, from time to time, with the approval of the Governor, to vary, alter and amend any such reports, by striking out any of the said Institutions or Schools included therein, or by adding others thereto; and all Institutions from which, under this or the next preceding section, Students may be examined for Degrees, shall be said to be affiliated for that purpose to the said University.

Affiliated Institutions, what.

Power to confer Degrees in Arts and Facultes.

Fees.

Standard of Qualification for Degrees &c.

Examiners to make a declaration of impartiality.

XIX. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power, after examination, to confer the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine and Doctor of Medicine, and to examine for Medical Degrees in the four branches of Medicine, Surgery, Midwifery and Pharmacy; and such reasonable fees shall be charged to the Candidates for Examination, for Degrees or for Certificates of Honor as aforesaid, as the Chancellor, Vice-Chancellor and Members of the Senate shall, by Statutes in that behalf, from time to time determine, and such fees shall be paid and applied as shall be determined by Statute.

XX. The regulations to be made with respect to the literary and scientific attainments of persons obtaining Degrees or Certificates of Honor, and their Examination, shall, in so far as circumstances will, in the opinion of the Chancellor, Vice-Chancellor and Members of the Senate, permit, be similar to those in force for like purposes in the University of London, to the end that the standard of qualification in the *University of Toronto* may not be inferior to that adopted for a like Degree, Certificate of Honor in the University of London.

XXI. The Examiners may be required to make the following declaration before the Chancellor or Vice-Chancellor:

"I solemnly declare that I will perform my duty of Examiner without fear, favour, affection or partiality towards any Candidate, and that I will not knowingly allow to any Candidate any advantage which is not equally allowed to all."

XXII. The said Chancellor, Vice-Chancellor and Members of the Senate, may make such special Regulations as to them shall seem just with regard to the examination of Students who have matriculated in the said University before the passing of this Act, and with regard to the completion by them of the prescribed course of instruction, but in so far only as relates to the first Degree to be taken by any such Student after the passing of this Act, after which they shall be subject to the same regulations as other Candidates.

As to Students
in the Univer-
sity before the
passing of this
Act.

XXIII. The said Chancellor, Vice-Chancellor and Members of the Senate, may grant Scholarships, Prizes and Rewards to persons who shall distinguish themselves at their examination, but the sum to be expended for such purposes in any one year shall not exceed such sum as shall be appropriated for that purpose under the provisions hereinafter made, and such Scholarships shall be of the nature and extent of those next mentioned; and all such Scholarships, Prizes and Rewards shall be granted according to Regulations previously made and published.

Scholarships,
Prizes and
Rewards to be
granted.

XXIV. The said Scholarships shall hereafter be held to be University Scholarships in any of the affiliated Institutions in Upper Canada, and shall be held by the Chancellor, Vice-Chancellor and Members of the Senate, for the purpose of being awarded according to the proficiency manifested on examination in prescribed subjects, and to each of such Scholarships an annual stipend shall be attached payable out of the University Income Fund, for such periods and on such conditions as shall be fixed by the regulations to be made by Statute in that behalf; and the holder of any Scholarship granted under this and the next preceding section shall have the title of "University Scholar." Provided always, that every Scholarship in the University of Toronto granted before this Act shall be in force, shall thereafter be a University Scholarship in University College hereinafter mentioned, and the holder thereof shall have the said title of "University Scholar."

Nature of
such Scholar-
ships.

Proviso.

XXV. Any Statutes made under the fiftieth section of the Act herein first cited and repealed, by the Commissioners therein referred to, and in force when this Act shall come into effect, shall remain in force, in so far as they may not be inconsistent with this Act, until repealed or altered by the Chancellor, Vice-Chancellor and Members of the Senate of the said University, who shall have full power to amend or repeal the same and make others in their stead.

Statutes under
s. 50 of 12
V. c. 82, to
remain in force
until repealed.

XXVI. It shall be the duty of the Senate of the said University, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospect of the University, and upon all matters touching the same, with such suggestions as they may

Senate to make
certain Reports
to the Governor.

TORONTO UNIVERSITY.

Copies to be
laid before Par-
liament.

think proper to make ; and the said Senate shall also at all times when therein required by the Governor, inquire into, examine and report upon any subject or matter connected with the said University ; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

UNIVERSITY COLLEGE.

University Col-
lege constituted
to be managed by
a Council.

XXVII. There shall be and there is hereby constituted at the City of Toronto, a Collegiate Institution by the name of *University College*, and the said College shall be under the direction, management and administration of a Body Corporate to be called *The Council of University College*, which shall have perpetual succession and a Common Seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have other the usual powers of Corporate Bodies, according to the Interpretation Act, subject to the said provisions.

Members of the
Council.

XXVIII. The said Corporation shall consist of a President, Vice-President, and such professors as may from time to time be appointed to Chairs in the said University College.

Meetings of the
Council.

Chairman, &c.

XXIX. The President, or in his absence the Vice-President, or if both be absent, then the Senior Member of the Council present, shall preside at all Meetings of the Corporation, and in case of an equal division of votes among the Members present, the rule *præsumitur pro negante* shall prevail ; and among Members appointed at the same time, the order in which their appointments shall have been made shall be the order of Seniority : and all such Meetings shall be held at the times to be prescribed by the Statutes of the said College.

Quorum.

Majority to
decide.

XXX. Any five Members of the said Council shall be a *quorum* for transacting all business of the Council and doing all things which the said Council may lawfully do ; and all things done at any Meeting of the Council shall be ordered by the majority of the votes of the Members present thereat, subject to the provision herebefore made for the case of an equal division of votes.

Council to
make Statutes
for certain
purposes.

XXXI. The said Council shall have full power and authority to make Statutes for the good government, discipline, conduct and regulation of the said College, and of the Professors, Teachers, Students, Officers and Servants thereof, for regulating the Fees to be paid by Students or persons attending lectures or receiving instruction in the said College, and the times of regular Meetings of the Council, and generally for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and

spirit in cases for which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; Provided always, that no Statute made by the said Council shall have force and effect until it shall have been submitted to the Visitor of the said College, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval.

Proviso: to have no force until approved by the Governor.

XXXII. There shall be in the said College such Professors, Lecturers and Teachers, and there shall be taught in the said College such Sciences, Arts and Branches of Knowledge as the Council shall, by their Statutes in that behalf, from time to time determine, such Statutes being consistent with Statutes of *The University of Toronto*, as regards the prescribed subjects of Examination; Provided always, that there shall be no Professor or Teacher of Divinity in the said College; and that after the first day of January one thousand eight hundred and fifty-four, there shall be no Professorship or Teachership of Law, or of any of the branches of Medicine or Surgery, except in so far as the same may form part of a general system of liberal Education.

Council to determine the branches of knowledge to be taught.

Proviso: as to Divinity, Law and Medicine.

XXXIII. The President and Vice-President, Professors, Lecturers, Teachers, Officers and Servants of the said College shall be appointed by the Governor of this Province, after such examination, inquiry and report as he shall consider necessary, and shall hold office during his pleasure; Provided always, that the President, Professors, Lecturers, and Teachers of the University of Toronto as now constituted, shall, until it be otherwise ordered by the Governor, be the President, Professors, Lecturers and Teachers of University College, excepting after the said first day of January one thousand eight hundred and fifty-four, those who may be Professors or Teachers of those subjects which are not under this Act to be taught in the said College.

President, Professors, &c., to be appointed by the Governor.

Proviso. as to present Professors, &c.

XXXIV. No religious test or profession of religious faith shall be required of any Professor, Lecturer, Teacher, Student, Officer or Servant of the said College, nor shall religious observances, according to the forms of any particular religious denomination be imposed on them or any of them; but it shall be lawful for the Council to make such Regulations as they may think expedient touching the moral conduct of the Students and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

No religious test, &c., to be required.

Professorships,
&c. may be
founded by
private parties
and how.

XXXV. It shall and may be lawful for any person or persons, body or bodies politic or corporate whomsoever, to found such and so many Professorships, Fellowships, Lectureships, Scholarships, Exhibitions, Prizes and other Rewards, in the said College, as they may think proper, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College, and thereupon suing out Letters Patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid; in all which Letters Patent shall be set forth such Rules and Regulations for the appointing to and conferring of such Professorships, Fellowships, Lectureships, Scholarships, Prizes or other Rewards, as the respective Founders thereof, with the approbation of the Crown, shall think fit to prescribe for that purpose, all which Rules and Regulations the authorities of the said College are hereby required to observe and give effect to, as in the said Letters Patent shall be directed: Provided always, that such endowment as aforesaid shall be vested in the Crown for the purposes for which it shall be given, as shall also any property real or personal given, devised or bequeathed to the said College, or for the use thereof; And provided also, that no Professorship or Lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College.

Proviso.

Governor to be
Visitor.

XXXVI. The Governor of this Province shall be the Visitor of the said College on behalf of the Crown, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, and the proceedings of any Commission so appointed being confirmed by the Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever.

Council to
report annually
to the
Governor.

XXXVII. It shall be the duty of the Council of the said College, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College, and upon all matters touching the same, with such suggestions as they may think proper to make; and the said Council shall also, at all times when thereunto required by the Governor, inquire into, examine and report upon any subject or matter connected with the said College; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be
laid before
Parliament.

XXXVIII. All terms kept or studies or exercises performed in the University of Toronto as now constituted, shall be valid and effectual, and shall be deemed to be terms kept, or studies or exercises performed in University College; and the Statutes and Regulations of the said University in force when this Act shall come into effect, shall remain in

Terms, &c.
kept in the
former Univer-
sity to avail
to Students.

force and apply to University College, so far as they may be consistent with this Act, until repealed or altered by Statutes to be made under this Act.

UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

XXXIX. The Corporation of "The Principal, Masters, and Scholars of Upper Canada College and Royal Grammar School," shall be dissolved and determined from the time this Act comes into force; and the said Institution and all the affairs and business thereof, shall be under the control, management and direction of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, subject to the provisions of this Act. Present Corporation dissolved.

XL. The Governor of this Province shall be the Visitor of the said College and Royal Grammar School, on behalf of Her Majesty, and his visitatorial powers may be exercised by Commission under the Great Seal of this Province, the proceedings whereof, having been first confirmed by the Governor in Council, shall be binding upon the said College and Royal Grammar School, and upon the said Senate and all others whomsoever. Governor to be Visitor.

XLI. The said Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, shall have full power and authority to make Statutes for the good government, conduct and regulation of the said College and Royal Grammar School and of the Principal, Masters, Pupils, Officers and Servants thereof, for regulating the fees to be paid by Pupils receiving instruction in the said College, and generally for the management of the business and affairs thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases in which no provision is made by this Act, so that such Statutes be not inconsistent with the provisions of this Act or the laws of this Province, and from time to time to amend or repeal the same; and the said Chancellor, Vice-Chancellor, and Senate, may by any such Statutes empower the Principal to make Regulations for the government of the Masters and Pupils, Officers and Servants, and for the conduct and discipline of the said College and Royal Grammar School, in such matters and to such extent as may be limited in such Statutes, and subject to such control or approval as may be therein mentioned; Provided always, that no Statute shall have force and effect until it shall have been submitted to the Visitor of the said College and Royal Grammar School, and by him approved; and a certified copy of all such Statutes shall be transmitted to the Provincial Secretary, within ten days from the passing thereof, to be submitted to the said Visitor for his approval. Senate of University to make Statutes for the Government of this Institution.

Proviso:
Statutes to have
no force until
approved by the
Governor.



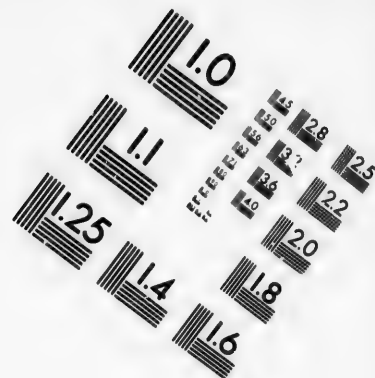
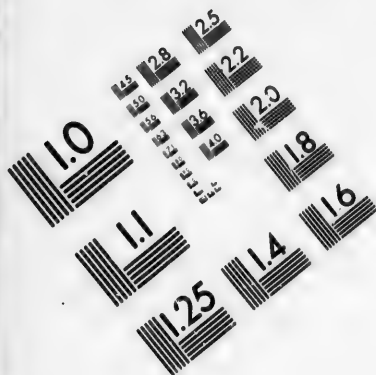
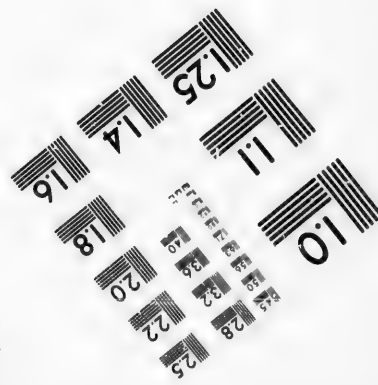
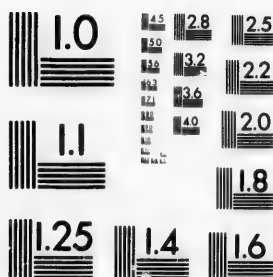


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WEBSTER, N.Y. 14580
(716) 872-4503



Principal,
Masters, &c.
how appointed.

XLII. There shall be in the College and Royal Grammar School, a Principal, and such Masters, Officers and Servants, as shall from time to time be directed by any Statute relating to the said Institution, approved as aforesaid, and the salary and emoluments attached to each such office, shall be from time to time fixed by Statute; and the said Principal, Masters, Officers and Servants shall be appointed by the Governor of this Province, and shall hold Office during his pleasure: Provided always, that until it shall be otherwise ordered by the Governor, the present Principal, Masters, Officers and Servants of the said Institution shall remain in Office, and until it be otherwise ordered by Statute, the Salaries and Emoluments attached to each Office shall be those now attached to the same respectively.

Present Statutes, &c. to remain in force until repealed.

XLIII. All Statutes, Rules and Ordinances of the said College and Royal Grammar School in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and continue in force, until repealed, altered or amended by some Statute to be hereafter enacted or made for that purpose.

No religious test, &c. to be required.

XLIV. No religious test or profession of religious faith shall be required of any Principal, Master, Pupil, Officer or Servant of the said College, nor shall religious observances according to the forms of any particular religious denomination, be imposed on them or any of them; but it shall be lawful for the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto by Statute to make such Regulations as they may think expedient touching the moral conduct of the Pupils and their attendance on public worship in their respective Churches or other places of religious worship, and their receiving religious instruction from their respective Ministers, and according to their respective forms of religious faith, and every facility shall be afforded for their so doing.

Certain regulations may be made.

Senate to make annual reports the Governor.

XLV. It shall be the duty of the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, annually to report to the Governor, at such time as he shall appoint, on the general state, progress and prospects of the College and Royal Grammar School and upon all matters touching the same, with such suggestions as they may think proper to make; and also, at all times when thereunto required by the Governor to inquire into, examine and report upon any subject or matter connected with the said College and Royal Grammar School; and copies of such annual or other reports shall be laid before both Houses of the Provincial Parliament at the then next Session thereof.

Copies to be laid before Parliament.

ENDOWMENT AND PROPERTY.

All the property of the said

XLVI. All the property and effects, real or personal, of what nature or kind soever, now belonging to or vested in the Corporation of the

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Chancellor, Masters and Scholars of the University of Toronto, or in the Corporation of the Principal, Masters and Scholars of Upper Canada College and Royal Grammar School, or in any person or persons, body or bodies politic or corporate in trust for the said Corporations, or either of them, shall, from and after the coming into force of this Act, be and the same and every part thereof are hereby transferred to and vested in Her Majesty, Her Heirs and Successors, for the purpose of this Act, and shall, as shall also all deeds, titles, accounts, books, maps, plans, documents and writings belonging to or relating to the same, be forthwith delivered up by any person or persons, body or bodies politic or corporate having custody or possession thereof, to such person or persons, officer or officers, as the Governor of this Province shall appoint, or authorize to receive the same; and every right, title, claim or demand of either of the said Corporations to any real or personal property, debt or sum of money, shall be and is hereby vested in the Crown, and any suit or proceeding for the recovery thereof may be brought or continued by and in the name of the Crown upon suggestion of the passing of this Act; and every debt due by or claim upon either of the said Corporations may be paid or satisfied by the Crown out of the property transferred as aforesaid; and all property, real or personal, which shall be hereafter given, devised or bequeathed to or for the use of either of the said Institutions, or to or for the use of any of the Institutions herein named and provided for, shall be vested in the Crown for the purposes of this Act.

Institution vested in the Crown for the purposes of this Act

XLVII. The said property, real or personal, shall be managed and administered, under the orders of the Governor in Council, by an Officer to be appointed by Commission under the Great Seal of this Province, to hold his office during pleasure, and to be called the Bursar of the University and Colleges at Toronto; and the Salary of the said Bursar shall be fixed by the Governor in Council at such amount not exceeding Four Hundred Pounds currency per annum, as to him shall seem meet, and the said Bursar shall be allowed by the Governor in Council such assistance in his office as may be found necessary; and the said Bursar shall have a seal of office, and shall have such powers as shall from time to time be assigned to him by the Governor in Council, for the management and administration of the said property, the leasing of the same, or making agreements for the sale thereof, and the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or any moneys in any way arising therefrom, and shall account for and pay over the same in such manner as the Governor shall from time to time direct, and shall give security to the Crown for the due performance of his duties and the faithful accounting

The said property to be managed by a Bursar under the direction of the Governor in Council

Duties, &c. of Bursar.

for and paying over all moneys which shall come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Governor in Council shall direct; and the said Bursar shall, as regards his obligation to account for and pay over all moneys coming into his hands as such, be deemed to be an Officer employed in the collection of the Provincial Revenue, and shall, in case of his default, be liable to be dealt with accordingly; and the said Bursar shall make and transmit to the Governor, and at such time in each year as he shall appoint, an annual account of the property under his management and of his official receipts and expenditure; and a copy of each account shall be laid before each House of the Provincial Parliament at the then next Session thereof:

to transmit
annual accounts
to the Governor
to be laid
before
Parliament.

What such ac-
counts must
shew.

And each such Annual Account shall shew, among other things:

The number of acres of land originally granted for the endowment of the said University, or the said Upper Canada College and Royal Grammar School;

The number of acres sold, and at what rate: The total amount of sales,—the amount received on account thereof, and the amount due;

The amount of Capital invested, and the amount expended to the end of the preceding year;

The amount received, and a detailed account of the amount expended for the preceding year, in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings.

Provision for
facilitating the
transfer of
property sold.

XLVIII. And in order to facilitate the transfer and conveyance of the property by this Act transferred to and vested in Her Majesty, it shall be lawful for the Governor from time to time to issue a Commission under the Great Seal of the Province, to the Bursar of the University and Colleges at Toronto aforesaid, authorizing the said Bursar under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and that all such transfers and conveyances may be made according to the form in the Schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes as effectually grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the like effect, as if the same had been directly granted by the Crown under the provisions of this Act: Provided that nothing herein contained shall be held to prevent the Crown from granting such lands directly: And provided further, that all such transfers and conveyances shall be

Proviso.

Proviso.

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registered in the Registry Office of the County in which the lands shall be situate, in like manner and subject to the same provisions of law as conveyances from and to private parties.

XLIX. The fees received for tuition, examination, degrees, certificates of honor or otherwise, in the said University, in University College, and in Upper Canada College and Royal Grammar School, or such part thereof as shall be payable into the general funds thereof, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any of such property and invested at interest, and all other casual and periodical incomes, including any donations or subscriptions touching which it shall not be otherwise ordered by the Donors, shall be deemed Income for the purposes of this Act, and shall form the General Income Fund, and may be expended for the purposes and under the authority of this Act; but the purchase money of any such property sold and the principal of any money invested shall be deemed permanent property, and shall not (except only in the case hereinafter provided for) be expended or diminished in any way, but shall remain as a Permanent Fund for the support of the said Institutions and the purposes of this Act.

General Income Fund constituted.

Permanent Fund.

L. That part of the said General Income Fund which shall be derived from property heretofore vested in the Corporation of Upper Canada College and Royal Grammar School, or from other property held for the use of, or from fees received in the said College and Grammar School and payable into the general funds thereof, shall be applied to defray the current expenses of the said Institution only, and shall form the special Income Fund thereof, and shall be applied under the direction of the Governor in Council, to defray the current expenses of the said College and Grammar School and those to be incurred in the management of the endowment and funds thereof and the maintenance and repairs of property assigned for its use, and the surplus, if any, after defraying all charges thereon, shall form part of the Permanent Fund aforesaid and shall be invested in such manner as the Governor in Council shall direct: and all moneys forming part of the said Permanent Fund and arising from such surplus as aforesaid or from property heretofore vested in the said Corporation, shall be permanently appropriated to the support of the said Upper Canada College and Royal Grammar School.

Income Fund of U. C. College and Grammar School.

Permanent Fund of the same

LI. Out of the remainder of the General Income Fund, (which remainder shall be called the University Income Fund,) after paying the charges of management as hereinafter mentioned, it shall be lawful

University Income Fund and charges payable out of it

for the Governor in Council to appropriate yearly, such sum as shall be required to defray the current expenses of the said University of Toronto, including Scholarships, Rewards and Prizes authorized by the twenty-third and twenty-fourth Sections of this Act, and to defray the current expenses of University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University or College, and with power to the Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements.

In what manner and form appropriations out of the said Funds may be made.

LII. In making such appropriations for the current expenses of the said University, or of University College, or of Upper Canada Royal College and Grammar School, it shall be lawful for the Governor in Council either to direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or to place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid, and by which Statutes the said Senate or Council may place any sum or sums at the disposal of any Committee, or person or persons, to be applied by them or him according to the directions of such Statutes or in their discretion, to purposes to be therein named.

Allowance to present Professors who shall retire from office, on or before 1 July, 1853.

LIII. It shall be lawful for the Governor in Council, to cause to be paid out of the said University Income Fund, a sum not exceeding one year's Salary at the present rate, to each of those Professors in the now University of Toronto, who will not under the Thirty-third Section of this Act, be Professors in University College, and who shall resign their chairs as such Professors in the University of Toronto on or before the first day of July, one thousand eight hundred and fifty-three; such allowance to be payable at such time after the said first day of July as the Governor in Council shall appoint.

Surplus to be appropriated hereafter.

LIV. Any surplus of the said University Income Fund remaining at the end of any year after defraying the expenses payable out of the same, shall constitute a Fund to be from time to time appropriated by Parliament for Academical Education in Upper Canada.

Expenses of Bursar's office how paid.

LV. The expenses of the Bursar's office and the management of the property aforesaid, shall be payable out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon, and the Governor in Council shall from time to time determine what share thereof shall be paid out of that portion of the said Fund belonging to Upper Canada College and Royal Grammar School.

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LVI. The Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College and of Upper Canada College and Royal Grammar School, respectively, such portions of the property hereby vested in the Crown, as may be necessary for the convenient accommodation and business of the said Institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution.

Portions of
property to be
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LVII. The Governor in Council may authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said Institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the Institution for the purposes of which the improvement or addition is made.

Governor in
Council may
authorize
improvements.

LVIII. For all the purposes of this Act and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year.

Fiscal year.

SCHEDULE.

To all to whom these presents shall come :

Whereas A. B. of _____ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, under and by virtue of a Statute of this Province passed in the sixteenth year of the reign of Her Majesty, under and by virtue of a Statute of this Province passed in the sixteenth year of the reign of Her Majesty, intituled, *An Act to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the property thereof and that of Upper Canada College*; And whereas under the provisions of the Statute aforesaid (C. D. of _____), the Bursar of the University of and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness, that the said C. D. as such Bursar, under and by virtue of the said Commission and the said Statute, and in consideration of the sum of _____ paid therefor

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TORONTO UNIVERSITY.

by the said A. B. hereby grants, transfers and conveys to the said A. B. his heirs and assigns for ever (*or as the case may be*) all that certain parcel or tract of land being Lot, &c. (*as the case may be*) which said land is bounded or may be known as follows, &c., (*describe the land by its boundaries and insert any reservations, conditions or provisos.*) In witness whereof the said C. D., as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, &c.

Signed, sealed and delivered }
in presence of }

C. D.

Bursar.

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APPENDIX.

GENERAL REGULATIONS FOR THE ORGANIZATION, GOVERNMENT AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA ;

Adopted by the Council of Public Instruction as authorized by the Act, 13th and 14th Victoria, Chapter 48, Section 38.

SECTION 1.—*Hours of Daily Teaching, Holidays and Vacations.*

1. The hours of teaching each day shall not exceed six, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the Trustees.
2. Every alternate Saturday shall be a holiday in each school.
3. There shall be three vacations during each year; the first, eight days, at Easter; the second, the first two weeks in August; the third, eight days, at Christmas.
4. All agreements between Trustees and Teachers shall be subject to the foregoing regulations; and no Teacher shall be deprived of any part of his salary on account of observing allowed Holidays and Vacations.

SECTION 2.—*Duties of Trustees.*

1. The full and explicit manner in which the duties of Trustees are enumerated and stated in the several clauses of the twelfth section of the Act, renders it unnecessary to do more, in this place, than make some expository remarks on the nature of the general duties of Trustees, and the relations subsisting between them and the Teachers whom they employ. The law invests Trustees with most important functions; they are a corporation, and as such, the ownership and control of the School site, School-house, and all the property attached thereto, is vested in them; they are to provide and furnish the School-house and premises, and apparatus and text-books for the School; and they alone have authority to employ the Teacher. Their duties are, therefore, of the greatest importance, and they should be well understood.
2. While the Trustees employ the Teacher—agree with him as to the period during which he shall teach, and the amount of his remuneration—the *mode of teaching* is at the option of the Teacher; and the Local Superintendent and Visitors alone have a right to advise him on the subject. The Teacher is not a mere machine, and no Trustee or parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible; and if he does not give satisfaction, he can be dismissed according to the terms of his agreement with his employers. To interfere with him, and deprive him of his discretion as a Teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the pupils themselves, and all parties concerned. It should then be distinctly understood, as essential to the Teacher's character, position and success, that he judge for

himself as to the mode of teaching in his school, including of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the Trustees to see that the school is conducted according to the regulations authorized by law.

3. It is therefore important that Trustees should select a competent Teacher. *The best Teacher is always the cheapest.* He teaches most, and inculcates the best habits of learning and mental development, in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a Teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum, is a waste of money, and a mockery and injury of the youth of the neighbourhood. We entirely concur with the *National Board of Education in Ireland*, in the following estimate of the qualities of a good Teacher:—

“A Teacher should be a person of Christian Sentiment, of calm temper, and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which Patrons (or Trustees) of Schools, when making choice of a Teacher, should anxiously look.”

4. Trustees will always find it the best economy to have a commodious School-house, kept comfortable, and properly furnished. It is as difficult for pupils to learn, as it is for the master to teach, in an unfurnished and comfortless school-house.

5. In the selection of Books to be used in the school, from the general list authorized according to law, the Trustees should see that but *one* series of Reading books, *one* Arithmetic, or one for the beginners and another for the more advanced pupils, *one* Geography, &c., should be used in any *one* school, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous school books (however good each book may be in itself) render classification impossible, increase the labour and waste the time of the Teacher, and retard the progress of the pupils. But the Teacher and pupils labour at the greatest disadvantage, when they are compelled to use books which are as various as the scholars names.

SECTION 3.—Duties of Teachers.

The sixteenth section of the School Act prescribes, in explicit and comprehensive terms, the duties of Teachers; and no Teacher can legally claim his salary who disregards the requirements of the law. Among other things, the Act requires each Teacher to “maintain proper order and discipline in his school, according to the forms and regulations which shall be provided according to law.” The law makes it the duty of the *Chief Superintendent of Schools* to provide the forms; and the *Council of Public Instruction* prescribe the following regulations for the guidance of Teachers in the conduct and discipline of their schools.

It shall be the duty of each Teacher of a Common School;—

1. To receive courteously the Visitors appointed by law, and to afford them every facility for inspecting the books used, and to examine into the state of the school; to have the Visitors' book open, that the Visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful Teacher.

2. To keep the Registers accurately and neatly, according to the prescribed forms; which is the more important under the present School Act, as the 31st section of it authorizes the distribution of the local school fund according to the average attendance of pupils attending each school.

3. To classify the children according to the books used; to study those books himself; and to teach according to the improved method recommended in their prefaces.

4. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—A TIME AND A PLACE FOR EVERYTHING, AND EVERYTHING IN ITS PROPER TIME AND PLACE.

5. To promote, both by precept and example, CLEANLINESS, NEATNESS and DECORUM. To effect this, the Teacher should set an example of cleanliness and neatness in his own person, and in the state and general appearance of the school. He should also satisfy himself, by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned and, when necessary, mended. The school apartments, too, should be swept and dusted every evening.

6. To pay the strictest attention to the morals and general conduct of his pupils, and to omit no opportunity of inculcating the principles of TRUTH and HONESTY; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among his pupils; to discountenance quarrelling, cruelty to animals, and every approach to vice.

SECTION 4.—*Duties of Visitors.*

1. The 32nd section of the Common School Act of 1850 provides that all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors; and the 33rd section of the Act prescribes their lawful duties.

2. The parties thus authorized to act as Visitors, have it in their power to exert an immense influence in elevating the character and promoting the efficiency of the schools, by identifying themselves with them, by visiting them, encouraging the pupils, aiding and counselling Teachers, and impressing upon parents their interests and duties in the education of their offspring. In visiting schools, however, Visitors should, in no instance, speak disparagingly of the instructions or management of the Teacher in the presence of the pupils; but if they think it necessary to give any advice to the Teacher, they should do it privately. They are also desired to communicate to the local or Chief Superintendent any thing which they shall think important to the interests of any school visited by them. The law recommends Visitors, "*especially to attend the Quarterly Examinations of the Schools.*" It is hoped that all Visitors will feel it both a duty and a privilege to aid, on such occasions, by their presence and influence. While it is competent to a Visitor to engage in any exercises which shall not be objected to by the authorities of the school, it is expected that no Visitor will introduce, on any such occasion, any thing calculated to wound or give offence to the feelings of any class of his fellow Christians.

3. The local Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 3rd clause of the 31st section of the School Act. While each local Superintendent makes the careful inquiries and examinations required by law, and gives privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the Pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Trustees and Teachers.

4. Too strong a recommendation cannot be given to the establishment of Free Public Libraries in the various Townships, and School Sections. A Township Library, with an auxiliary in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole Township. It is submitted to the serious attention of all School Visitors, as well as Trustees, and other friends of the diffusion of useful knowledge.

SECTION 5.—*Constitution and Government of Schools in respect to Religious and Moral Instruction.*

As Christianity is the basis of our whole system of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the law provides for the establishment of separate Schools. And the Common School Act, fourteenth section, securing individual rights as well as recognizing Christianity, provides, "That in any Model or Common School established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians: Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents or guardians shall desire, according to the general regulations which shall be provided according to law."

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restriction within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured, without any interposition from Trustees, Superintendents, or the Government itself; therefore it shall be a matter of mutual voluntary arrangement between the Teacher and the parent or guardian of each pupil, as to whether he shall hear such pupil recite from the Catechism, or other summary of religious doctrine and duty of the persuasion of such parent or guardian.

The Common School being a *day*, and not a *boarding* school, rules arising from domestic relations and duties are not required; and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

Opening and closing Exercises of each day.

1. With a view to secure the Divine blessing, and to impress upon the pupils the importance of religious duties, and their entire dependence on their Maker, the Council of Public Instruction recommend that the daily exercises of each Common School be opened and closed by reading a portion of Scripture and by Prayer. The Lord's Prayer, alone, or the Forms of Prayer hereto annexed, may be used, or any other prayer preferred by the Trustees and Teacher of each Common School. But the Lord's Prayer shall form a part of the opening exercises; and the Ten Commandments shall be taught to all the pupils, and shall be repeated at least once a week. But no pupil shall be compelled to be present at these exercises against the wish of his or her parent or guardian, expressed in writing to the Teacher of the School.

FORMS OF PRAYER.

I. BEFORE ENTERING UPON THE BUSINESS OF THE DAY.

Let us Pray.

O Lord, our Heavenly Father, Almighty and Everlasting God, who hast safely brought us to the beginning of this day, defend us in the same by thy mighty power;

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and grant, that this day we fall into no sin, neither run into any kind of danger, but that all our doings may be ordered by Thy governance, to do always that is righteous in Thy sight, through Jesus Christ our Lord. *Amen.*

O Almighty God, the giver of every good and perfect gift, the fountain of all wisdom, enlighten, we beseech Thee, our understandings by Thy Holy Spirit, and grant, that whilst with all diligence and sincerity we apply ourselves to the attainment of human knowledge, we fail not constantly to strive after that wisdom which maketh wise unto salvation; that so, through Thy mercy, we may daily be advanced both in learning and godliness, to the honor and praise of Thy name, through Jesus Christ our Lord. *Amen.*

Our Father, which art in Heaven, hallowed be Thy Name, Thy Kingdom come, Thy will be done in Earth, as it is in Heaven; give us this day our daily bread; and forgive us our trespasses, as we forgive them that trespass against us; and lead us not into temptation; but deliver us from evil; for Thine is the Kingdom, the Power, and the Glory, for ever. *Amen.*

The Grace of Our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

II. AT THE CLOSE OF THE BUSINESS OF THE DAY.

Let us Pray.

Most Merciful God, we yield Thee our humble and hearty thanks, for Thy Fatherly care and preservation of us this day, and for the progress which Thou hast enabled us to make in useful learning: we pray Thee to imprint upon our minds whatever good instructions we have received, and to bless them to the advancement of our temporal and eternal welfare; and pardon, we implore Thee, all that Thou hast seen amiss in our thoughts, words and actions. May Thy good Providence still guide and keep us during the approaching interval of rest and relaxation, so that we may be thereby prepared to enter on the duties of the morrow, with renewed vigor, both of body and mind; and preserve us, we beseech Thee, now and ever, both outwardly in our bodies, and inwardly in our souls, for the sake of Jesus Christ, Thy Son, Our Lord. *Amen.*

Lighten our darkness, we beseech Thee, O Lord; and by Thy great mercy, defend us from all perils and dangers of this night, for the love of Thine only Son, Our Saviour, Jesus Christ. *Amen.*

Our Father, which art in Heaven, hallowed be Thy Name, Thy Kingdom come, Thy will be done in Earth, as it is in Heaven; give us this day our daily bread; and forgive us our trespasses, as we forgive them that trespass against us; and lead us not into temptation; but deliver us from evil; for Thine is the Kingdom, the Power, and the Glory, for ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

Adopted by the Council of Public Instruction for Upper Canada.

EDUCATION OFFICE, Toronto.

These prayers may be used in the Grammar Schools, if desired by the Board of Trustees.

In addition to the foregoing, the 4th and 5th Sections of the Grammar School Regulations, relating to the "Duties of Masters and Teachers," and "Duties of Pupils," also apply to the Common Schools.

GENERAL RULES AND REGULATIONS FOR THE GOVERNMENT OF GRAMMAR SCHOOLS IN UPPER CANADA,

Prescribed by the Council of Public Instruction, under the authority of the Grammar School Act, 16 Vict. cap. 103, and approved by the Governor General in Council.

SECTION 1.—*Qualification for the admission of Pupils into the Grammar School*

1. The regular periods for the admission of pupils commencing classical studies shall be immediately after the Christmas and after the Summer Vacations; but the admission of pupils in English studies alone, or of those pupils who have already commenced the study of the Latin language, may take place at the commencement of each Term. The examinations for the admission of pupils shall be conducted by the Head Master; as also examinations for such Scholarships, Exhibitions and Prizes as may have been instituted by Municipal Councils as authorised by law,* or by other corporate bodies, or by private individuals. But the Board of Trustees may, if they shall think proper, associate other persons with the Head Master in the examinations for such Scholarships, Exhibitions or Prizes.

2. Pupils in order to be admitted to the Grammar School, must be able—1. To read intelligibly and correctly any passage from any common reading book. 2. To spell correctly the words of an ordinary sentence. 3. To write a fair hand. 4. To work readily questions in the simple and compound rules of arithmetic, and in reduction and simple proportion. 5. Must know the elements of English Grammar, and be able to parse any easy sentence in prose; and 6. Must be acquainted with the definitions and outlines of Geography.

SECTION 2.—*Course of Study.*

1. Pupils preparing for the University, are *required* to study those subjects only which will qualify them for matriculation.

2. Any pupil studying the English branches alone, may have an option as to the particular subjects of his study; but he may not, without the special permission of the Head Master, select any subject not included amongst those prescribed for the class, in which he has been placed on examination.

3. The Pupils shall be arranged in classes corresponding to their respective degrees of proficiency. There may be two or more divisions in each class; and each pupil shall be advanced from one class or division to another, according to attainments in scholarship, and no faster.

4. Drawing includes Linear, Map, Geometrical, and Ornamental Drawing.

*The *Upper Canada Municipal Corporations Act*, 12 Vict., chap. 81, section 41, enacts that the Municipal Council of each County shall have power and authority to make a By-law or By-laws for each, all, or any of the following purposes, that is to say:—

Thirdly. For the purchase and acquirement of such real property as may be required for County Grammar School purposes, and for the erection, preservation, improvement, and repair of County School Houses for the use of Grammar Schools in such parts of the County, or within any City or the liberties thereof, lying within the boundaries of such County, as the wants of the people most require; for the sale and disposal of the same when no longer required, and for making such provision in aid of such Grammar Schools as they may deem expedient for the advancement of education in the same.

Fourthly. For making some permanent provision for defraying, out of the public funds of each County, the expense of the attendance at the seat of the University of Toronto, and of that of Upper Canada College and Royal Grammar School there, of such and so many of the pupils of the different Public Grammar Schools of such County, as shall be desirous of, and in the opinion of the respective Masters of such Grammar Schools, shall be of competent attainments for entering in to competition for any of the Scholarships, Exhibitions, or other similar Prizes offered by such University or College, to competition amongst such pupils; but which pupils, from the inability of their parents or guardians to incur the necessary expense of such attendance, might otherwise be deprived of the opportunity of competing for the same.

Fifthly. For the endowment of such and so many Fellowships, Scholarships, Exhibitions, and other similar Prizes in the University of Toronto, or in Upper Canada College and Royal Grammar School there, to be open to competition amongst the pupils of the different Public Grammar Schools of such County, as they may deem expedient for the encouragement of learning amongst the youth of such County.

5. Instruction shall be given to each pupil in penmanship as long as the Head Master shall think it necessary.

6. It is recommended, that the Elements of Vocal Music shall form part of the course of instruction for all pupils capable of learning to sing.

SECTION 3.—Opening and Closing Exercises of each day.

The arrangements for the daily religious exercises of each Grammar School, shall be left to the judgment of the Board of Trustees.

The Trustees can avail themselves of the recommendations on this subject, and the forms provided by the Council of Public Instruction for Upper Canada, in regard to Common Schools. See Common School Regulations.

SECTION 4.—Duties of the Head Master and Teachers.

1. Each Head Master and Teacher of a Grammar School shall punctually observe the hours for opening and dismissing the School; shall, during school hours, faithfully devote himself to the public service; shall see that the exercises of the school be opened and closed each morning and evening as stated in the preceding section; shall daily exert his best endeavors, by example and precept, to impress upon the minds of the pupils the principles and morals of the Christian Religion, especially those virtues of piety, truth, patriotism and humanity, which are the basis of law and freedom, and the cement and ornament of society.

2. Every Head Master shall keep the daily, weekly and quarterly register of his school, according to the forms and instructions authorised by law. The Head Master of every Senior County Grammar School shall also make the observations and keep the Meteorological Journal required by the 16th section of the Grammar School Act, 16 Vict. chap. 186; in addition to which every Head Master shall keep, and cause to be kept, a class register in which are to be noted the class exercises of each pupil, so as to exhibit a view of the advancement and standing of such pupil in each subject of his studies. The Head Master shall also prepare the annual and semi-annual returns of his school required according to law.

3. The Head Master shall practice such discipline in his school as would be exercised by a judicious parent in his family; avoiding corporal punishment, except when it shall appear to him to be imperatively required; and in all such cases, he shall keep a record of the offences and punishments, for the inspection of the Trustees at or before the next public examination, when said record shall be destroyed.

4. For gross misconduct, or a violent or wilful opposition to his authority, the Head Master may suspend a pupil from attending at the school, forthwith informing the parent or guardian of the fact, and the reason of it, and communicating the same to the Chairman of the Board of Trustees. But no boy shall be expelled without the authority of the Board of Trustees.

5. When the example of any pupil is very hurtful to the school, and in all cases where reformation appears hopeless, it shall be the duty of the Head Master, with the approbation of the Board of Trustees, to suspend or expel such pupil from the school. But any pupil under this public censure, who shall express to the Head Master his regret for such course of conduct, as openly and as explicitly as the case may require, shall, with the approbation of the Board and Head Master, be admitted to the school.

6. The Trustees having made such provisions relative to the school house and its appendages, as are required by the second clause of the eleventh section of the Grammar School Act, 16 Vict., cap. 186, it shall be the duty of the Head Master to give strict attention to the proper ventilation and temperature, as well as to the cleanliness of the school house; he shall also prescribe such rules for the use of the yard and out-

buildings connected with the school house, as will ensure their being kept in a neat and proper condition; and he shall be held responsible for any want of neatness and cleanliness about the premises.

7. Care shall be taken to have the school house ready for the reception of pupils at least *fifteen minutes* before the time prescribed for opening the school, in order to afford shelter to those that may arrive before the appointed hour.

SECTION 5.—*Duties of Pupils.*

1. Pupils must come to the school clean in their person and clothes.
2. Tardiness on the part of pupils shall be considered a violation of the rules of the school, and shall subject the delinquents to such penalty as the nature of the case may require, at the discretion of the Head Master.
3. No pupil shall be allowed to depart before the hour appointed for closing school, except in case of sickness or some pressing emergency; and then the Head Master's consent must first be obtained.
4. A pupil absenting himself from school, except on account of sickness, or other urgent reason satisfactory to the Head Master, forfeits his standing in his class and his right to attend the school for the term.
5. No pupil shall be allowed to remain in the school, unless he is furnished with the books and requisites required to be used by him in the school; but in case of a pupil being in danger of losing the advantages of the school by reason of his inability to obtain the necessary books or requisites through the poverty of his parent or guardian, the Board of Trustees have power to procure and supply such pupil with the books and requisites needed.
6. The tuition fees, as fixed by the Board of Trustees, whether monthly or quarterly, shall be payable in advance; and no pupil shall have a right to enter or continue in the school or class until he shall have paid the appointed fee.

SECTION 6.—*Terms, Vacations, Daily Exercises, and Holidays.**

1. There shall be four Terms each year, to be designated, the Winter, Spring, Summer, and Autumn Terms. The Winter Term shall begin the 7th January, and end the Tuesday next before Easter; the Spring Term shall begin the Wednesday after Easter, and close the last Friday in June; the Summer Term shall begin the second Monday in August, and end the Friday next before the 15th October; the Autumn Term shall begin the Monday following the close of the Summer Term, and shall end on the 22nd December.
2. The Exercises of each day shall not commence later than 9 o'clock, a.m., and shall not exceed six hours in duration, exclusive of all the time allowed at noon for recreation, and of not more than ten minutes during each forenoon and each afternoon. Nevertheless, a less number of hours for daily teaching may be determined upon in any Grammar School, at the option of the Board of Trustees.
3. Every Saturday shall be a holiday; or if preferred by the Board of Trustees and Head Master of any Grammar School, the afternoons of Wednesday and Saturday in each week shall be half holidays. All days declared by law to be public holidays, shall be holidays in each Grammar School.

* 1. This regulation applies to Union Grammar and Common Schools, as the law provides for the union of Common Schools with Grammar Schools, not the union of the latter with the former. In all cases, therefore, in which Common Schools are united with the Grammar Schools, the Union Schools are subjected to the regulations which are here prescribed in respect to Grammar Schools.

2. The several clauses of the *eleventh* section of the Grammar School Act empower Boards of Trustees to prescribe any duties, or make any regulations, in connection with their respective schools, which are not provided for by, or are not inconsistent with, the general regulations prescribed by the Council of Public Instruction, and approved by the Governor in Council.

4. The public half-yearly examinations required to be held in each Grammar School by the fifth clause of the eleventh section of Act, 16 Vict., cap. 186, shall take place, the one immediately before the Christmas holidays, and the other immediately before the Summer vacation.

Adopted by the Council of Public Instruction for Upper Canada, on the 26th day of December, 1854.

Approved by the Governor General in Council, as intimated to the Chief Superintendent on the 15th February, 1855.

EDUCATION OFFICE,
Toronto, 15th February, 1855. }

NORMAL SCHOOL, TORONTO.

In accordance with the requirements of the Common School Act of 1846, the Council of Public Instruction established in 1847, the above institution, for the training of young persons as School Teachers. The following are the Terms of Admission adopted by the Council of Public Instruction for Upper Canada:—

1. That the Semi-annual Sessions of the Normal School shall commence on the 15th day of May, and the 15th day of November of each year, (and if those fall upon Sunday, the day following,) and continue for a period of *five months* each—to be concluded by a Public Examination, and followed by a vacation of one month.

2. That no Male Student shall be admitted under eighteen years of age, nor a Female Student under the age of sixteen years. [2]—Those admitted must produce a certificate of good moral character, dated within at least three months of its presentation, and signed by the clergyman or minister of the religious persuasion with which they are connected; [3]—they must be able to read and write intelligibly, and be acquainted with the simple rules of Arithmetic, and with the elements of Geography and English Grammar; [4]—must sign a declaration of their intention to devote themselves to the profession of School-teaching, and that their object in coming to the Normal School is to qualify themselves better for the important duties of that profession.

3. That upon these conditions, candidates for school-teaching shall be admitted to the advantages of the Institution without any charge, either for tuition, the use of the Library, or for the books which they may be required to use in the School.

4. That the Teachers-in-training shall board and lodge in the city, in such houses, and under such regulations as are approved of by the Council of Public Instruction.

5. That a sum at the rate of five shillings per week, (payable at the end of the Session,) shall be allowed to each Teacher-in-training, who, at the end of the *first* Session, shall be entitled to a Provincial Certificate.

6. That all candidates for admission into the Normal School, must present themselves during the *first week* of the Session, otherwise they cannot be admitted; and their continuance in the School is conditional upon their diligence, progress, and observance of the General Regulations prescribed by the Council.

7. That all communications be addressed to the Reverend Dr. RYERSON, Chief Superintendent of Schools, Toronto.

N.B.—Board and Lodging, for Students, may be obtained at the Houses approved by the Council of Public Instruction, at about 15s. per week.

GENERAL RULES AND REGULATIONS

TO BE OBSERVED IN THE NORMAL SCHOOL FOR UPPER CANADA.

Adopted by the Council of Public Instruction for Upper Canada.

1. All the Teachers-in-training are required to assemble in the Normal School every morning, at the appointed hour, when the Roll will be called, and any person failing to answer to his or her name, will be called upon to explain the cause of such irregularity, and the explanation, if not deemed satisfactory, will be submitted to the consideration of the Chief Superintendent of Schools.

2. Any one compelled by sickness, or other unavoidable necessity, to absent himself or herself, will be required to forward a written explanation to the Head Master.

3. The Teachers-in-training shall board and lodge in the city, in such houses, and under such regulations as are approved of by the Council of Public Instruction.

4. Each Teacher-in-training is required, every Friday afternoon, from three to four o'clock, punctually to attend the classes for separate religious instruction by the Clergymen of the religious persuasion to which he or she respectively belongs. Any Students absenting themselves from these exercises will be required to forward a written explanation of such absence.

5. The Teachers-in-training are expected to lead orderly and regular lives, to be in their respective lodgings every night before *Half-past Nine o'clock, p.m.*, and to attend their respective places of worship with strict regularity. Any improprieties of conduct will be brought under the special notice of the Chief Superintendent of Schools.

6. It is expected that all the Teachers will conform strictly to the appointed hours, conduct themselves with decorum and propriety, not merely when on the premises, but when coming to and leaving them; and attend carefully to the studies marked out for their instruction.

UPPER CANADA COLLEGE.

This Institution is under the government of the Senate of Toronto University; the Principal and Masters carrying into effect such regulations as may be from time to time passed by it.

The following are all that it is necessary to publish here:

All fees shall be payable in advance. No scholar admitted into any class, or permitted to receive tuition, until he shall first have received a ticket of admission.

TERMS:

Autumn—From end of Summer Vacation to November 30th.

Winter—From 1st December to end of February.

Spring—From 1st March to May 15, or Wednesday nearest thereto.

Summer—From May 15 to July 21, or Wednesday nearest thereto.

Summer Vacation of about seven weeks, from end of Summer Term.

FEES FOR TUITION:

College Forms, ...	£2	10	0	per Term.
Preparatory Form, ...	1	15	0	"
Commercial Department, ...	1	15	0	"

RESIDENT SCHOOL HOUSE:

Board, Lodging, &c., (exclusive of Tuition) ... £7 10 0 per Term.

The regulations for the boarding-house are, that every boy, upon entering, shall provide himself with a silver fork and spoon, and bedding; observe the hours fixed for stated duties, and give obedience to the directions of the Master in charge.

UNIVERSITY COLLEGE, TORONTO.

This College is under the Government of a Council, consisting of the President, Vice-President, and Professors. The number of Professors, is 10 ; and the following are the departments in which they deliver Lectures :—Greek and Latin Classics, Logic, and Rhetoric; History and English Literature; French, German, Spanish, and Italian; Metaphysics and Ethics; Mathematics and Natural Philosophy; Chemistry and Chemical Physics; Mineralogy and Geology; Zoology and Botany; Agriculture and Meteorology. There is also a Lecturer on Oriental Literature, comprehending Hebrew, Syriac, Chaldee, and Arabic.

STUDENTS.

There are three classes of Students admissible to the College: 1. *Matriculated Students*: those who have passed the matriculation examination in any University in Her Majesty's dominions; 2. *Matriculants*: those who desire to qualify themselves for passing an examination in the subjects appointed by the University of Toronto for students of the standing of two years from matriculation; and 3. *Occasional Students*: those who desire to attend, during an academic year or term, such courses of lectures as they prefer.

Candidates for admission as Matriculated Students, are required to produce certificates of good conduct, and of having passed the matriculation examination.

Candidates for admission as Matriculants, are required to produce certificates of good conduct, and of having completed the fourteenth year of their age, and in addition, to satisfy the professors, on examination, that they have the requisite qualifications for entering on the course of study which they purpose pursuing.

Candidates for admission as Occasional Students, are not required to produce any certificates, or to pass any examination.

Matriculated Students and Matriculants are required, during their attendance on lectures, to reside in licensed boarding-houses, or in such other houses as have been selected by their parents or guardians, and approved by the President of the College.

TERMS.

The academic year consists of two terms: the first extending from October 1st to December 20th; and the second from January 7th to May 18th.

EXAMINATIONS.

An examination is held at the end of each term in the subjects of lectures during that term. Prizes of books will be given for proficiency in each department, as evinced at the two examinations. Separate prizes are offered for competition amongst Occasional Students.

RELIGIOUS KNOWLEDGE.

Lecture rooms are provided, and suitable hours will be set apart for the religious instruction of the students by ministers of their respective denominations.

LIBRARY.

The Library contains a small but valuable collection of works in the different departments of science and literature. The number of volumes exceeds 6,000, and the selection has been made mainly with a view to their practical utility as books of reference.

The Library is open every day (excepting Sundays), from 10 to 3 o'clock, and the students are admissible.

MUSEUM OF NATURAL HISTORY.

The object of this Museum, which has been but recently established, is to afford

means of illustrating the Professors' lectures in the various departments of Zoology and Botany, and also to assist and encourage the further pursuit of Natural History, by exhibiting as great a variety of objects as circumstances will allow, paying special regard to the productions of Canada.

A room has been suitably fitted up for receiving the specimens, and the following statement will show the progress which has been already made:

Of Mammalia, there are about 50 specimens, affording examples of most of the orders, and including some rare and highly interesting species, besides skulls, horns, &c.

Of Birds, there are about 380 specimens, of which above 200 are already set up; besides about 70 species of eggs. In selecting the specimens, particular care has been taken to include representatives of all the different tribes.

Of Reptiles, there are upwards of 70 species.

Of Fishes, about 20 species.

In addition to a few Crustacea and Arachnida, there is an extensive and valuable series, illustrative of the received divisions of insects, including many rare and beautiful species. Considerable progress has been made in forming a collection of Mollusca, and there are a few good examples of the leading forms of Zoophytes.

The Botanical Collection has been commenced.

The lovers of natural science would render an important service by contributing specimens to the Museum.

APPARATUS ILLUSTRATIVE OF NATURAL PHILOSOPHY.

The number of instruments, &c., is about 180; of these, 39 are illustrative of Statics, 14 of Dynamics, 50 of Hydrostatics, 10 of Acoustics, 13 of Heat, 20 of Optics, 16 of Physical Optics, and 16 of Geodesy and Astronomy.

APPARATUS ILLUSTRATIVE OF CHEMISTRY AND CHEMICAL PHYSICS.

The number of chemical products is about 1,200, and of Minerals used in the Arts, &c., about 400. This collection includes also a large number of instruments illustrative of Electricity, Galvanism, Electro-Magnetism, Magneto-Electricity, Thermo-Electricity, Heat, Light, &c., Technology and Metallurgy, &c.

TABLE OF FEES.

Matriculated Students and Matriculants	£2	10	0	for the academic year.
Occasional Students, for 1 course of Lectures, of				
6 or 5 in each week, ...	£1	5	0	" "
" 4 or 3 in each week, ...	0	15	0	" "
" 2 or 1 in each week, ...	0	10	0	" "
For 3 courses of Lectures, ...	2	10	0	" "
For any number of courses above 3, ...	4	0	0	" "

PROGRAMME OF STUDIES IN THE PROVINCIAL MODEL SCHOOL, TORONTO.

BOYS' DEPARTMENT.

First Division.

Elementary Arithmetic, Calculator, Writing or Drawing on Slate, Object Lessons, Spelling, Geography, Singing, Gymnastics.

Second Division.

Practical Arithmetic, Theoretical Arithmetic, Mental Arithmetic, Writing, History Geography, Singing, Natural History, Grammar, Gymnastics.

Third Division.

Practical Arithmetic, Theoretical Arithmetic, Mental Arithmetic, Geography, History, Grammar and Composition, Writing, Spelling and Dictation, Natural History, Drawing, Singing, Gymnastics, Natural Philosophy, Book-keeping, Geometry, Algebra, Mensuration.

GIRLS' DEPARTMENT.

First Division.

Elementary Arithmetic, Calculator, Writing or Drawing Lessons, Object Lessons, Spelling, Geography, Singing, Calisthenics, Plain Needlework.

Second Division.

Practical Arithmetic, Theoretical Arithmetic, Mental Arithmetic, Writing, History, Geography, Singing, Spelling and Dictation, Natural History, Grammar, Calisthenics, Plain Needlework.

Third Division.

Practical Arithmetic, Theoretical Arithmetic, Mental Arithmetic, Geography, History, Grammar, and Composition, Writing, Spelling and Dictation, Natural History, Drawing, Singing, Calisthenics, Natural Philosophy, Domestic Economy, Plain Needlework, Algebra, Geometry.

LIST OF SCHOOL BOOKS.

Sanctioned by the Council of Public Instruction for Upper Canada, for use in Common Schools:

First Book of Lessons.
 Second " "
 Sequel to Second Book.
 Third Book of Lessons.
 Fourth " "
 Fifth " (Boy's.)
 Reading Book for Girls' School.
 Introduction to the Art of Reading.
 Spelling Book Superseded.
 English Grammar.
 Key to "
 Lennie's English Grammar.
 Kirkham's " "
 Epitome of Geographical Knowledge.
 Compendium of " "
 Geography Generalized, by Prof. SULLIVAN.
 Introduction to Geography and History,
 by Professor SULLIVAN.
 Morse's Geography.
 First Arithmetic.
 Key to "
 Arithmetic, in Theory and Practice.
 Book-keeping.

Key to Book-keeping.
 Elements of Geometry.
 Mensuration.
 Appendix to Mensuration.
 Scripture Lessons, (O. T.) No. 1.
 " " (O. T.) No. 2.
 " " (N. T.) No. 1.
 " " (N. T.) No. 2.
 Sacred Poetry.
 Lessons on the Truth of Christianity.
 Set Tablet Lessons, Arithmetic.
 " " Spelling & Reading.
 " " Copy Lines.
 Map of the World.
 " Ancient World.
 " Europe.
 " Asia.
 " Africa.
 " America.
 " England.
 " Scotland.
 " Ireland.
 " Palestine.

PROGRAMME OF STUDIES IN THE GRAMMAR SCHOOLS OF UPPER CANADA.

First Class.

Elementary Latin and Grammar, Cornelius Nepos, English Grammar and Composition, Arithmetic and Algebra, Outlines of Geography and General History, Writing, Drawing, Vocal Music.

Second Class.

Latin Grammar and Exercises, Cæsar's Commentaries, Elementary Greek, English Grammar and Etymology of Words and Versification, Practical Arithmetic, Algebra, Outlines of Ancient Geography, Roman History, History of Britain, Elements of Natural History, Writing, Drawing, Vocal Music.

Third Class.

Latin Prosody and Exercises, Ovid and Virgil, Greek Grammar and Exercises, Xenophon's Anabasis, French Grammar and Exercises, Elementary Rhetoric and Logic, Commercial Arithmetic, Algebra, Euclid, Bb. I. and II., Ancient Geography, Roman Antiquities, History of Greece, Elements of Natural Philosophy and Geology, Drawing, Vocal Music.

Fourth Class.

Latin Exercises and Composition in Prose and Verse, Virgil and Cicero, Greek Prosody and Exercises, Homer's Iliad, Greek Testament, (Lucian,) French Grammar and Exercises, Christian Morals and Evidences, Algebra, Euclid, B. III. and IV.; Definitions, B. V. and VI., Ancient and Mediæval Geography, Grecian Antiquities, History of France, History of Canada, Physiology, Elements of Chemistry, Drawing, Book-keeping, Vocal Music.

Fifth Class.

Latin Composition in Prose and Verse, Horace, Greek Prosody, Homer's Odyssey, French Grammar and Oral and Written Translation, Fénelon's Dialogues des Morts, Molière's Des Fourberies de Scapin, Outlines of English Literature, Composition, Elements of Political Economy, Elements of Plane Trigonometry, Mensuration and Surveying, Outlines of Egyptian History, History of Spain and Portugal, Natural History, Natural Philosophy, Geology, Physiology, Chemistry, Drawing, Vocal Music. Previous subjects reviewed.

LIST OF TEXT-BOOKS FOR GRAMMAR SCHOOLS IN UPPER CANADA,
PRESCRIBED BY THE COUNCIL OF PUBLIC INSTRUCTION, UNDER THE AUTHORITY OF
THE 6TH SECTION OF THE GRAMMAR SCHOOL ACT, 16 VIC. CH. 186.

[NOTE.—The Grammar School Trustees can select such text-books from the following list, as they may approve; but in no case should more than one series of books be permitted to be used in each school.]

LATIN.

Arnold's First and Second Book, . . . Arnold's Prose Composition, . . . Anthon's Latin and English Dictionary, . . . Bullion's Adam's Grammar, . . . Edinburgh Academy Rudiments, . . . Eton Grammar. White's, Yonge's, etc., . . . Kaltschmidt's Latin and English Dictionary, 12mo. (Chambers' Educational Course.)

GREEK.

Arnold's First Book, . . . Arnold's First Prose Composition, . . . Arnold's Second Prose Composition, . . . Arnold's Reading Book, . . . Bullions' Grammar, . . . Edinburgh Academy Rudiments, . . . Eton Grammar. Homer's, Routledge's, . . . Anthon's Prosody, . . . Liddell and Scott's Greek Lexicon, abridged, . . . Donnegan's Greek Lexicon. 8vo.

UPPER CANADA.

Grammar and Com-
General History,ry Greek, English
Arithmetic, Algebra,
Latin, Elements ofar and Exercises,
ary Rhetoric and
Ancient Geography,
phy and Geology,nd Cicero, Greek
French Grammar
B. III. and IV.;
Ancient Antiquities,
Chemistry, Drawing,Homer's Odyssey,
logues des Mortes,
re, Composition,
Mensuration and
Portugal, Natural
ing, Vocal Music.R CANADA,
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s be permitted toAnthon's Latin
Academy Rudi-
Latin and En-s Second Prose
burgh Academy
osody, . . Liddell
vo.*Classical Dictionaries.*

Smith's Classical Dictionary, illustrated, . . Smith's Smaller Classical Dictionary, . .
Smith's Smaller Dictionary of Antiquities, . . Rich's Companion to Latin Dictionary and
Greek Lexicon, . . Baird's Classical Manual.

FRENCH.

Merlet's Grammar, . . Merlet's La Traducteur, . . Merlet's Dictionary of Difficulties, . .
Arnold's First Book, . . Arnold's Vocabulary, . . Noël and Chapsal's Grammar, (in
French,) . . Collot's Levisac's Grammar, . . Collot's Pronouncing Reader, . . Collot's In-
terlinear Reader, . . Collot's Anecdotes and Questions, . . Collot's Dialogues and Phrases,
Collot's French and English Dictionary, . . Surenne's New Manual, . . Spiers and
Surenne's French and English Dictionary.

ENGLISH.

Lennie's Grammar, . . Bullions' Grammar, . . National Grammar, . . Sullivan's Gram-
mar, . . Art of Reading. (National Series,) . . Sullivan's Dictionary of Derivations, . .
Sullivan's English Dictionary, . . The National Readers, . . Third Book, . . Fourth Book,
Fifth Book, . . Sixth Book, . . Sullivan's Spelling Book Superseded, . . Sullivan's Literary
Class Book, . . Whately's Lessons on Reasoning, . . Whately's Lessons on Christian
Evidences, or the Truth of Christianity, . . Whately's Introductory Lessons on the
British Constitution, . . Political Economy in Chambers' Educational Course, . . Spald-
ing's English Literature, . . Reid's Rudiments of English Composition.

MATHEMATICS.

Arithmetic in Theory and Practice. (National Series,) . . Thompson's, (James, L.L.D.,
Glasgow,) Arithmetic, . . Thompson's, (James, L.L.D., Glasgow,) Algebra, . . Loomie's
Treatise on Algebra, . . Colenso's, Simson's Euclid, . . Colenso's Algebra, Part I, . .
Potts' Euclid, . . Mensuration and Appendix, (National Series).

GEOGRAPHY AND HISTORY.

Sullivan's Introduction to Geography and History, . . Sullivan's Geography Gener-
alised, . . Epitome of Geographical Knowledge, (National Series,) . . White's Elements
of General History, . . White's History of Great Britain and Ireland, . . White's History
of France, . . Putz's Ancient Geography and History. By Arnold and Paul, . . Putz's
Medieval Geography and History. By Arnold and Paul, . . Putz's Modern Geography
and History. By Arnold and Paul, . . Johnston's General School Atlas, . . Johnston's
Physical School Atlas, . . Johnston's Classical School Atlas, . . Pilan's Physical and
Classical Geography, (Companion to Johnston's Classical Atlas.)

PHYSICAL SCIENCE.

Third, Fourth and Fifth National Readers, . . Youman's Chemistry, with Coloured,
Chart, . . Olmsted's School Philosophy, . . Johnstons four Charts of Natural Philosophy,
with Hand-Books, . . Patterson's Zoology, Parts I. and II.

MISCELLANEOUS.

Hullah's Manual of Vocal Music, . . Mulhauser's Writing Manual, . . Mulhauser's
Models, . . National Copy Lines, . . National Book-keeping, . . Drawing-books and
materials authorised by the Department of Science and Art England; and those in
the Catalogue of the Educational Depository.

PROGRAMME OF STUDIES IN UPPER CANADA COLLEGE.

The curriculum of studies in this College is divided so as to suit the requirements of such as wish only a purely commercial education for their sons, as distinguished from those requiring a more classical one.

The following are the subjects of study in the CLASSICAL DEPARTMENT:

Seventh Form.

The Latin and Greek Languages, Scripture, (English and Greek,) History, (Ancient Mediæval and Modern,) Natural Philosophy, Mathematics, English Composition and Reading, English Authors, French, Architectural and Ornamental Drawing, Vocal and Instrumental Music.

Sixth Form.

The Latin and Greek Languages, Scripture, (English and Greek,) History and Geography, (Ancient, Mediæval and Modern,) Natural Philosophy, Physical Geography, Mathematics, English Composition and Reading, English Authors, French, Arithmetic, Architectural and Ornamental Drawing, Vocal and Instrumental Music.

Fifth Form.

The Latin and Greek Languages, Scripture, History and Geography, (Ancient,) Natural Philosophy, Physical Geography, Mathematics, English Composition and Reading, Arithmetic, Book-keeping, Writing, French, Geometrical and Ornamental Drawing, Vocal and Instrumental Music.

Fourth Form.

The Latin and Greek Languages, Scripture, History and Geography, Natural Philosophy, Mathematics, English Composition and Reading, French, Arithmetic, Book-keeping, Writing, Geometrical and Ornamental Drawing, Vocal and Instrumental Music.

Third Form.

The Latin Language, (Prosody commenced,) the Greek Language, (the Elements,) Scripture, Geography, Modern History, (of Great Britain and Canada,) Arithmetic, Writing, Dictation, Reading, French, Natural Philosophy, (Elements of Machinery,) Geometry and Algebra, (Elementary,) Drawing, Vocal and Instrumental Music.

Second Form.

The Latin Language, (Elementary,) Scripture, Writing, Arithmetic, History, Dictation, Mental Arithmetic, Natural Philosophy, French, English Grammar and Reading, Drawing, Music.

First Form.

Latin Grammar, Scripture, Writing, Arithmetic, Mental Arithmetic, Geography, English Reading, Dictation, Spelling, Natural Philosophy, French, Drawing, Music.

Preparatory Form.

Latin Accidence, Scripture, Writing, Arithmetic, Geography, Spelling, Reading, Mental Arithmetic, Natural Philosophy, History, Drawing, Music.

The following are the subjects of study in the COMMERCIAL DEPARTMENT:—

Scripture, Geography, Physical Geography, Arithmetic, Mental Arithmetic, Writing, Book-keeping, History, English Grammar, Reading, Commercial Dictation, Composition, Map Drawing, Mathematics, Natural Philosophy, French, Geometrical Drawing, Ornamental Drawing, Vocal Music, Instrumental Music.

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History, (Ancient
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In the Classical Department, portions of the standard Latin and Greek authors are read, with the criticisms of the best editors. The Grammars at present in use, are the Eton Latin Grammar, and Matthiæ's Greek Grammar. As introductions to Composition, the works of Crombie, Arnold, and Anthon, have been adopted.

In the Mathematical Department, the standard Text-books of the University of Cambridge, are principally used. The following are other Text-books of the College: in Natural Philosophy, Comstock's System, and portions of Chamber's Educational Course; in Physical Geography, Somerville's Work; in History and Geography, Putz and Arnold's Hand-book,—with other works.

Pupils in the Fourth Form are eligible, by examination, to four Exhibitions every year,—one entitling the holder to £20 per annum, with tuition; one to £10 per annum, with tuition; and two to free tuition—all tenable for three years.

UNIVERSITY OF TORONTO.

This Institution is formed after the model of the University of London. It is governed by a Senate, composed of the Chancellor, Vice-Chancellor, and other members, by whom examiners in the different departments are annually appointed. It confers degrees in Law, Medicine, and Arts; and Diplomas in Civil Engineering and Agriculture.

FACULTY OF ARTS.

The degrees conferred in this Faculty are B.A. and M.A. There are two modes of proceeding to the degree of B.A. According to one, the requisites are—

(1) Having passed an examination in the subjects prescribed for Candidates for Matriculation. (2) Being of the standing of four years from Matriculation. (3) Having passed in each of these years an examination in the subjects prescribed for each such year of the course appointed for Undergraduates in the Faculty of Arts.

According to the other mode of proceeding to the degree of B.A., the requisites are—

(1) Having passed an examination in the subjects prescribed for Students of the standing of two years from Matriculation. (2) Being of the standing of two years from Matriculation. (3) Having passed in each of these years an examination in the subjects prescribed for each such year of the course appointed for Undergraduates in the Faculty of Arts.

Candidates for Matriculation, according to the first mode, are required to produce satisfactory certificates of good conduct, and of having completed the 14th year of their age.

Candidates for Matriculation, according to the second mode, are required to produce similar certificates of good conduct, and of having completed the 16th year of their age.

N.B.—Neither residence nor attendance on lectures is required as a qualification for the degree.

There are also two modes of proceeding to the degree of M.A.

According to one, the requisites are—

(1) Being of the standing of one year from admission to the degree of B.A. (2) Having passed the appointed examination in the subjects prescribed for Candidates for admission to the degree of M.A.

According to the other, the requisites are—

(1) Being of the standing of three years from admission to the degree of B.A. (2) Having performed the exercises prescribed for Candidates for admission to the degree of M.A.

PROGRAMME OF STUDIES PRESCRIBED BY THE SENATE OF THE UNIVERSITY OF TORONTO
FOR COLLEGES IN AFFILIATION WITH THE UNIVERSITY.

MATRICULATION.

GREEK AND LATIN LANGUAGES.

Homer, *Iliad*, B. I.,... Lucan, *Vita*, and Charon,... Caesar, *de Bello Gallico*, Bb. V. and VI.,... Virgil, *Æneid*, B. II.,... Translation from English into Latin Prose.

Additional for Honors and Scholarships.

Homer, *Iliad*, B. VI.,... Homer, *Odyssey*, B. IX.,... Lucian, *Menippus*, and *Timon*,... Horace, *Odes*, B. I.,... Virgil, *Æneid*, Bb. I. and III.,... Translation from English into Latin Verse.

MATHEMATICS.

ALGEBRA AND ARITHMETIC.

Ordinary rules of Arithmetic, Vulgar and Decimal Fractions,... Extraction of Square Root,... First four rules of Algebra. (Colenso's Algebra.)

GEOMETRY.

Euclid, B. I. (Colenso's Edition of Simson's.)

Additional for Honors and Scholarships.

ALGEBRA.

Proportion and Progression,... Simple and Quadratic Equations.

GEOMETRY.

Euclid, Bb. II. III. and IV.

* ELEMENTS OF NATURAL PHILOSOPHY.

MECHANICS.

Explain the composition and resolution of statical forces.

Describe the simple machines (mechanical powers).

Define the centre of gravity.

Give the general laws of motion, and describe the chief experiments by which they may be illustrated.

State the law of the motion of falling bodies.

HYDROSTATICS, HYDRAULICS, AND PNEUMATICS.

Explain the pressure of liquids and gasses: its equal diffusion, and variation with the depth.

Define specific gravity, and show how the specific gravity of bodies may be ascertained.

Describe and explain the barometer, the syphon, the common pump and forcing pump, and the air pump.

ACOUSTICS.

Describe the nature of sound.

OPTICS.

State the laws of reflection and refraction.

Explain the formation of images by simple lenses.

ASTRONOMY.

Motion of the earth round its axis and round the sun: with applications of these movements to explain the apparent movement of the sun and stars, the length of days, and the change of seasons; explanation of eclipses and the moon's phases.

* Only a popular knowledge of these subjects will be required.

ELEMENTS OF CHEMISTRY.

Properties of matter, aggregation, crystallization, chemical affinity, definite equivalents. Combustion, flame; nature of ordinary fuel; chief results of combustion,—i.e., the bodies produced.

Heat: natural and artificial sources; its effects. Expansion: solids, liquids, gases. Thermometer: conduction; radiation; capacity; change of form; liquefaction; steam.

The atmosphere: its general nature and condition; its component parts. Oxygen and nitrogen: their properties. Water and carbonic acid. Proportions of these substances in the air.

Chlorine and iodine, as compared with oxygen.

Water: its general relation to the atmosphere and earth; its natural states and degree of purity. Sea water, river water, spring water, rain water. Pure water: effects of heat and cold on it; its compound nature; its elements.

Hydrogen: its proportion in water; its chemical and physical properties.

Sulphur, phosphorus, and carbon generally.

Nitric acid, sulphuric acid, carbonic acid, hydrochloric acid; their properties and uses.

Alkalies, earths, oxides generally.

Salts: their nature generally. Sulphates, nitrates, carbonates.

Metals generally: iron, copper, lead, tin, zinc, gold, silver, platinum, mercury.

The chief proximate elements of vegetable and animal bodies; their ultimate composition.

MODERN LANGUAGES.

ENGLISH.

Grammar, and Composition.

FRENCH.

Grammar, and Translation from French into English.

Additional for Honours and Scholarships.

ENGLISH.

Rendering of English Verse into Prose,—Composition.

FRENCH.

Fénelon, Dialogues des Morts,—Molière, Les Fourberies des Scapin.

HISTORY AND GEOGRAPHY.

Outlines of English History to present time,—Outlines of Roman History to death of Nero,—Outlines of Grecian History to death of Alexander,—Outlines of Ancient and Modern Geography.

Additional for Honours and Scholarships.

Egyptian History to death of Cleopatra,—History of Spain and Portugal in the reign of Ferdinand and Isabella.

SCHOLARSHIPS.

The following are offered for competition amongst candidates for admission:

Four, of the value of £30 per annum each, in the Greek and Latin languages, with History and Geography.

Four, of the value of £30 per annum each, in Mathematics.

Two, of the value of £30 per annum each, in the English and French languages, with History and Geography.

One, of the value of £30 per annum, in the Elements of Natural Philosophy and Chemistry.

Four, of the value of £30 per annum each, for general proficiency in the subjects for all students.

Each of these scholarships is tenable for one year; but the scholars of each year are eligible for the scholarships of the succeeding year.

FIRST YEAR.

GREEK AND LATIN LANGUAGES.

Homer, Iliad, B. IX.,--Homer, Odyssey, B. I.,--Xenophon, Anabasis, B. I.,--Virgil, Æneid, B. VI.,--Ovid, Fasti, B. I.,--Sallust, Cataline,--Translation from English into Latin Prose.

Additional for Honours and Scholarships.

Homer, Iliad, B. X.,--Homer, Odyssey, B. X.,--Xenophon, Anabasis, Bb. II. and III.,--Virgil, Æneid, Bb. VII. and VIII.,--Sallust, Jugurtha,--Translation from English into Latin Verse.

MATHEMATICS.

Arithmetic,--Algebra. (Colenso's.)--Euclid. (Colenso's Edition of Simson's.)--Plane Trigonometry, as far as solution of plane triangles. (Colenso's)

Additional for Honours and Scholarships.

Plane Trigonometry. (Colenso's.)

MODERN LANGUAGES.

ENGLISH.

Composition,--Orthographical forms of the English Language,--History of the English Language.

Additional for Honours and Scholarships.

History of English Literature, temp. Chaucer.

FRENCH.

Translation from English into French,--Molière, L'Avre,--Voltaire, Alzire.

Additional for Honours and Scholarships.

Molière, Le Tartuffe.

HISTORY.

Outlines of Ancient History,--British History, to Saxon invasion.

Additional for Honours and Scholarships.

Biography of the ages of Pericles and Augustus,--Ethnological elements of Ancient History.

METAPHYSICS AND ETHICS.

Logic. (Walker's Edition of Murray's.)--Natural Theology. (Paley's.)

Additional for Honours and Scholarships.

Logic. (Whatley's or Mill's.)--Cicero, de Natura Deorum, B. I. and II.,--Cicero, Tusc. disput., B. I.

NATURAL SCIENCE.

Elements of Natural History. (Patterson's Zoology; Henfrey's Botany.)--Elements of Mineralogy and Geology. (Dana's Manual of Mineralogy; Hitchcock's Geology.)

*ORIENTAL LANGUAGES.

HEBREW.

Grammar, from the beginning to the end of irregular verbs. (Gesenius's.)--Genesis,

*Optional.

Chaps. I. II. III. IV. and V.,... Psalms, I. II. III. IV. and V.,... History of the Hebrew Language and Literature.

SCHOLARSHIPS, PRIZES, AND CERTIFICATES OF HONOUR.

The following Scholarships are offered for competition amongst Students of the standing of one year from Matriculation:

Three in the Greek and Latin Languages with History.

Three in Mathematics.

One in the Natural Sciences.

Two in the English and French Languages with History.

One in Ethics and Logic.

One in the Hebrew Language.

Four for general proficiency in the subjects appointed for all Students.

Each of the Scholarships is of the value of £30, and is tenable for one year; but Scholars of each year are eligible to the Scholarships of the succeeding year.

Prizes of books of the value of £5 are offered, amongst those who are not candidates for Honours or Scholarships, in each department for proficiency in the subjects appointed for all Students.

Certificates of Honour will be given to those Students who have been placed in the first class in any department.

SECOND YEAR.

GREEK AND LATIN LANGUAGES.

Homer, Iliad, B. XIII.,... Homer, Odyssey, B. II.,... Demosthenes, Olynthiacs,... Horace, Odes,... Cicero, Orat. in Catilinam,... Translation from English into Latin Prose.

Additional for Honours and Scholarships.

Homer, Iliad, B. XVIII.,... Homer, Odyssey, B. XII.,... Demosthenes, Philippics,... Horace, Epodes,... Virgil, Georgics, I. and II.,... Cicero, pro Milone and Phil. II.,... Translation from English into Latin Verse.

MATHEMATICS.

Statics, Dynamics, Hydrostatics, with previous pass subjects. (Goodwin's Course of Mathematics.)

Additional for Honours and Scholarships.

Analytical Conic Sections. (Hymers'.)... Newton's Principia, section 1st. (Evans' edition.)... Rudiments of Diff. and Integral Calculus. (De Morgan's.)

Fundamental rules and theorems for a single independent variable and application to plane curves.

Newton's Principia, sections II. and III. (Evans' edition,) with previous subjects.

MODERN LANGUAGES.

ENGLISH.

Composition,... Rhetorical Forms,... History of English Literature, temp. Elizabeth.

FRENCH.

Translation of English into French,... Voltaire, Zaire,... Molière, Le Festin de Pierre,... History of Provençal Literature. (Sismondi's Literature of the South of Europe.) History of France to Francis I. (Bonnechose's History of France.)

GERMAN.

Grammar, Adler's Reader, parts 1, 2, 3, and 5,... History of German Literature to the 17th century. (Menzel's, translated by C. C. Felton.)

Additional for Honours and Scholarships.

ENGLISH.

Shakespeare, Cymbeline (analysis of). . . Etymology.

FRENCH.

Racine, Iphigénie, . . . Lamartine, Voyages en Orient, vol. 1.

GERMAN.

Schiller, Don Carlos.

HISTORY.

Outlines of Mediæval History, . . . English History to the death of Stephen.

Additional for Honours and Scholarships.

Biography and Literature to the death of Stephen.

METAPHYSICS AND ETHICS.

Paley, Evidences, . . . Cicero, de Officiis, and de Amicitia.

Additional for Honours and Scholarships.

Butler, Analogy, . . . Cicero, de Nat. Deorum, B. III., . . . Cicero, Tuscul. Disput. Bb. II. and V., . . . Cicero, Academ. Quæst. B. I.

NATURAL SCIENCES.

Chemistry and Chemical Physics. (Fownes' Elements of Chemistry; Gregory's Manual of Chemistry; Lardner's Hand Book of Heat and Electricity.)

RHETORIC.

Campbell, Philosophy of Rhetoric.

Additional for Honours and Scholarships.

Aristotle, Rhetoric, . . . Cicero, de Oratore.

CIVIL POLITY.

Elements of Political Philosophy and Economy.

* ORIENTAL LANGUAGES.

HEBREW.

Grammar continued to the end of Syntax, . . . Genesis, Chap. XXXVII. to the end of the Book, . . . Psalms VI. to XXV., . . . Lowth's Lectures on Hebrew Poetry.

N.B.—Students presenting themselves at this examination, are not required to take "the Greek and Latin Languages" and "the Modern Languages," but either at their option. Neither are they required to take "Mathematics" and "the Natural Sciences," but either at their option. They may also take either the French or the German, or both these languages.

Candidates for admission as students, who produce satisfactory certificates of good conduct, and of having completed the sixteenth year of their age, by passing an examination in the subjects appointed for the second year of this course, can attain the standing of two years, and be admitted to the degree of B.A., after two years instead of four. Such candidates may exercise the options stated in the preceding paragraph; but when an option is exercised, they will be required to pass in the omitted department an examination in the subjects appointed in that department for students of the standing of one year.

*Optional.

SCHOLARSHIPS, PRIZES, AND CERTIFICATES OF HONOUR.

The following scholarships are offered for competition amongst students of the standing of two years from Matriculation, and those candidates for admission as students who possess the qualifications previously stated:

Three in the Greek and Latin Languages with History.

Three in Mathematics.

Two in the Natural Sciences.

Two in the Modern Languages with History.

One in Metaphysics and Ethics.

One in the Elements of Civil Polity with History and Rhetoric.

One in the Hebrew Language.

Two for general proficiency in the subjects appointed for all students.

Each of these scholarships is of the value of £30, and is tenable for one year; but the scholars of each year are eligible to the scholarships of the succeeding year.

Prizes of books of the value of £5 are offered, amongst those who are not candidates for honours or scholarships, in each department, for proficiency in the subjects appointed for all students.

Certificates of honour will be given to those students who have been placed in the first class in any department.

THIRD YEAR.

GREEK AND LATIN LANGUAGES.

Herodotus, B. II., . . . Horace, Satires and Epistles, . . . Sophocles, *Oedipus Rex*, . . . Livy Bb. XXI. and XXII., . . . Translation from English into Latin Prose.

Additional for Honours and Scholarships.

Æschylus, *Prometheus*, . . . Sophocles, *Oedipus*, *Coloneus*, . . . Plato, *Apology* and *Crito*, . . . Cicero, *pro Lege Manilia*, *pro Archia*, *pro Ligario*, and *Phil. I.*, . . . Terence, *Phormio*, . . . Livy, Bb. XXIII. XXIV. and XXV., . . . Translation into Greek Prose and Latin Verse.

MATHEMATICS.

Optics and Acoustics. (Goodwin's Course of Mathematics.)

Additional for Honours and Scholarships.

Diff. and Integral Calculus. (De Morgan's.) . . . Analytical Geometry of two and three dimensions. (Salmon's and Hymers'.) . . . Theory of Algebraic Equations. (Hymers'.) . . . Analytical Statics. (Todhunter's.) . . . Dynamics of a Particle. (Sandon's.) . . . Analytical Hydrostatics. (Miller's.) . . . Geometrical Optics. (Griffin's.)

MODERN LANGUAGES.

ENGLISH.

Composition, . . . Logical and Rhetorical Forms.

FRENCH.

Composition on a given subject, . . . Racine, *Athalie*, . . . Lamartine, *Voyages en Orient*, vol. 2, . . . History of French Literature from the Troubadours to the 17th century. (Sismondi's Literature of the south of Europe.) . . . History of France from Francis I. to Louis XVI. (Bonnechese's.)

GERMAN.

Goethe, *Iphigenia auf Tauris*, . . . Schiller, *Der Neffe als Onkel*, . . . History of German Literature from 17th to 18th century. (Menzel's.) . . . History of Germany from time of Charles V. to peace of Westphalia. (Kohlrausch's.) . . . Translation into German.

Additional for Honours and Scholarships.

ENGLISH.

Shakspeare, Macbeth (Analysis of.)

FRENCH.

Rotrou, Venceslas, . . Bossuet Discours sur l'Histoire Universelle.

GERMAN.

Schiller, Maria Stuart.

HISTORY.

Outlines of Modern History, . . English History from the death of Stephen to death of Henry VII.

Additional for Honours and Scholarships.

Biography and Literature to death of Henry VII.

NATURAL SCIENCES.

Natural History: (Agassiz and Gould's Comparative Physiology; Carpenter's Zoology; Gray's Botanical Text Book.)

General and Comparative Physiology.

View of the Animal Kingdom.

Vegetable Organography and Physiology.

View of the Vegetable Kingdom.

Applied Chemistry. (Kuapp's Applied Chemistry.)

METAPHYSICS AND ETHICS.

Locke, Bb. II, III, IV, . . Paley, Moral Philosophy.

Additional for Honours and Scholarships.

Mackintosh, Dissertation on the progress of Ethical Science, . . Xenophon, Memorabilia, . . Cicero, De Finibus, . . Cicero, Academ. Quæst. B. II. and De Fato.

CIVIL POLITY.

Paley, Political Philosophy.

*ORIENTAL LANGUAGES.

HEBREW.

Psalms XL, CXXXIII, CXXXVII, . . Isaiah, Chaps. IV. VII XIV. and LII.

CHALDEE.

Grammar. (Winer's,) . . Daniel, Chaps. II. and III, . . History of the Chaldee Language and Literature.

N.B.—Students presenting themselves at this examination are not required to take "the Greek and Latin Languages" and "the Modern Languages," but either, at their option. Neither are they required to take "Mathematics" and "the Natural Sciences," but either, at their option. They may also take either the French or the German, or both these languages.

SCHOLARSHIPS, PRIZES, AND CERTIFICATES OF HONOUR.

The following scholarships are offered for competition amongst Students of the standing of three years from Matriculation:—

Three in the Greek and Latin Languages with History,

Three in Mathematics,

Two in the Natural Sciences,

Two in Modern Languages with History,

One in Metaphysics and Ethics,

*Optional.

One in Civil Polity with History,

One in the Hebrew Language,

Two for general proficiency in the subjects appointed for all Students.

Each of these scholarships is of the value of £30, and is tenable for one year.

Prizes of books of the value of £5 are offered amongst those not candidates for Honours and Scholarships in each department, for proficiency in the subjects appointed for all students.

Certificates of Honour will be given to those students who have been placed in the first class in any department.

FINAL EXAMINATION OF CANDIDATES FOR DEGREE OF B. A.

GREEK AND LATIN LANGUAGES.

Euripides, Medea, . . . Thucydides, B. I., . . . Juvenal, Sat. III, VII, VIII, X, . . . Tacitus Germania and Agricola, . . . Translation from English into Latin Prose.

MATHEMATICS.

Astronomy, with previous pass subjects. (Goodwin's Course of Mathematics.)

MODERN LANGUAGES;

ENGLISH.

Exercises in Principles of Composition, Grammar, and Etymology, based on selected passages, . . . History of the formation of the English Language, and its Philological Elements, Celtic, Classical, and Germanic or Anglo Saxon, . . . History of Literature from Chaucer to Spenser.

FRENCH.

French composition on a given subject, . . . Corneille, le Cid, . . . Molière, le Médecin malgré lui, . . . History of French Literature from the 17th century to the present time. (Choquet's,) . . . History of France from Louis XVI. to Louis Philippe. (Bonnechese's.)

GERMAN.

Lessing, Nathan der Weise, . . . Wieland, Abderiten, vol. I., . . . History of German Literature from the 18th century to the present time. (Menzel's,) . . . History of Germany from the Peace of Westphalia to the present time. (Kohlrausch's,) . . . Translation into German.

HISTORY.

Greek Literature and Art from battle of Marathon to end of Peloponnesian War, . . . Roman Literature and Art from end of First Punic War to the Death of Augustus, . . . British Literature and Art from Death of Henry VII. to Death of James I.

NATURAL SCIENCES.

Mineralogy and Geology (including Physical Geography.) (Dana's System of Mineralogy; De la Beche's Geological Observer,) . . . Practical Chemistry. (Fresenius's.)

METAPHYSICS AND ETHICS.

Reid, Intellectual Powers (Sir W. Hamilton's Ed.,) . . . Stewart, Moral and Active Powers.

CIVIL POLITY.

Political Economy. (Mill's.)

*ORIENTAL LANGUAGES.

HEBREW.

Job, Chaps. III., IV., V., VI., VII., . . . Proverbs, Chap. I., II., III., . . . Ecclesiastes, Chaps. I., XII.

*Optional.

CHALDEE.

Daniel, Chap. IV. to end of VII.,..Ezra, Chap. IV. to VII.

SYRIAC.

Grammar. (Phillips')...The Parables in the New Testament,..History of the Syriac Language and Literature.

N.B.—Students presenting themselves at this examination are not required to take “the Greek and Latin Languages” and “the Modern Languages,” but either, at their option. Neither are they required to take “Mathematics” and “the Natural Sciences,” but either, at their option. They may also take either the French or the German, or both these languages.

FINAL EXAMINATION OF CANDIDATES FOR MEDALS.

I.—GREEK AND LATIN LANGUAGES.

Æschylus, Prometheus,..Sophocles, Oedipus, Coloneus,..Euripides, Medea,..Aristophanes, Nubes,..Pindar, Olympic Odes,..Thucydides, B. I,..Plato, Apology, and Crito,..Aristotle, Poetics,..Longinus, de Sublimitate,..Lucretius, Bb. V. and VI,..Plautus, Aulularia,..Terence, Phormio,..Persius, I, II, III, V, and VI,..Juvenal, III, VII, VIII, and X,..Livy, Bb. XXI-XXV,..Tacitus, Germania, and Agricola,..Tacitus, Histories,..Translation into Greek and Latin prose and verse.

II.—MATHEMATICS.

Arithmetic,..Algebra. (Colenso's)..Plane Trigonometry. (Colenso's)..Spherical Trigonometry. (Hann's)..Conic Sections. (Hymers')..Analytical Geometry..(Salmon's and Hymers')..Differential and Integral Calculus. (De Morgan's)..Theory of Algebraic Equations. (Hymers')..Differential Equations. (Hymers')..Statics. (Todhunter's)..Dynamics. (Sandeman's and Griffin's)..Hydrostatics. (Miller's)..Geometrical Optics. (Griffin's)..Acoustics..Plane Astronomy. (Hymers')..Lunar Theory. (Godfrey's)..Newton's Principia, Secs. I, II, III, IX, and XI. (Evans' Ed.)

III.—MODERN LANGUAGES.

ENGLISH.

Exercises in Principles of Composition, Grammar, and Etymology, based on selected passages,..History of the Formation of the English Language and its Philological Elements, Celtic, Classical, and Germanic or Anglo-Saxon,..History of Literature from Chaucer to Spenser,..Critical Analysis of one of Shakspeare's Historical Plays,..Critical Examination, in Style, Rules of Composition, and Prosody, of a Poem of Spenser, Milton, Cowper, or Wordsworth.

FRENCH.

Corneille, le Cid,..Molière, le Médecin malgré lui,..Chefs d'Œuvres des Anciens Poètes,..La Bruyère et Theophraste,..History of French Literature from the 17th century to the present time. (Choquet's)..History of France from Louis XVI. to Louis Philippe. (Bonnechose's)..Poetry of Troubadours et Trouveres compared, analyzed, and rendered into French prose. (Sismondi's Literature of South of Europe.)..French Composition on a given subject,..Oral Questions answered in French.

GERMAN.

Lessing, Nathan der Weise,..Wieland, Abderiten, vol. I,..Kotzebue (vol. XVII.) Eduard in Schottland (Analysis of)..Klopstock, Der Messias, 1st and 2nd Cantos,..History of German Literature, from 18th century to the present time. (Menzel's.)..History of Germany from the Peace of Westphalia, to the present time. (Kohlrausch's)..Translation into German.

IV.—METAPHYSICS, ETHICS, AND CIVIL POLITY.

Paley, Natural Theology, . . . Paley, Evidences, . . . Butler, Analogy, . . . Paley, Moral Philosophy, . . . Paley, Political Philosophy, . . . Stewart, Moral and Active Powers, . . . Mackintosh, Dissertation on the Progress of Ethical Science, . . . Mill, Political Economy, . . . Locke, on the Human Understanding, . . . Brown, Philosophy of the mind, . . . Morell's History of Philosophy, . . . Reid, Intellectual Powers. (Sir W. Hamilton's Ed.) . . . Xenophon, Memorabilia, . . . Aristotle, Nicomachean Ethics, . . . Aristotle, Metaphysics, Bk. I, and XI, . . . Cicero, De Naturâ Deorum, . . . Cicero, De Finibus, . . . Cicero, Tuscul. Disput., . . . Cicero, De Officiis and De Amicitia, . . . Cicero, Academ. Quest. and De Fato.

V.—CHEMISTRY, ZOOLOGY, AND BOTANY.

VI.—CHEMISTRY, MINERALOGY, AND GEOLOGY.

MEDALS, PRIZES, AND CERTIFICATES OF HONOUR.

GOLD MEDALS will be given to the students who have been placed first of the first class in the departments previously stated—viz:—

- I. Greek and Latin Languages.
- II. Mathematics, pure and mixed.
- III. Metaphysics, Ethics, and Civil Polity.
- IV. Chemistry, Zoology, and Botany.
- V. Chemistry, Mineralogy, and Geology.
- VI. Modern Languages.

SILVER MEDALS will be given to those who have been placed in any position below first in the first class in the above-named departments.

Prizes of books of the value of £5 are offered in each department for proficiency in the subjects appointed for all students.

FACULTY OF LAW.

The Degrees conferred in this Faculty are LLB and LL.D.

LLB.

There are four modes of proceeding open to a Candidate for this degree, viz:—

- I. According to this mode the requisites are—
 1. Being of the standing of five years from Matriculation.
 2. Having produced a certificate that he has been admitted to the degree of B.A.
 3. Having passed the several examinations prescribed for Students in the Faculty of Law in Schedule A.
- II. According to this mode the requisites are—
 1. Being of the standing of three years from Matriculation.
 2. Having produced a certificate that he has been admitted to the degree of B.A.
 3. Having passed the third, fourth, fifth and sixth Examinations prescribed for Students in the Faculty of Law in Schedule A.
- III. According to this mode the requisites are—
 1. Having produced a certificate that he has been admitted to the degree of B.A.
 2. Being of the standing of three years from Matriculation in Law.
 3. Having passed the third, fourth, fifth and sixth Examinations prescribed for Students in the Faculty of Law in Schedule A.
- IV. According to this mode the requisites are—
 1. Being of the standing of three years.
 2. Having produced a satisfactory certificate that he is of the age of 21 years.
 3. Having passed all the Examinations prescribed for Students in the Faculty of Law in Schedule B.

SUBJECTS OF EXAMINATION.

SCHEDULE A.

MATRICULATION EXAMINATION.

Reddie's Enquiries, Historical and Elementary, in the Science of the Law,--The three portions of Dumont's edition of Bentham's Morals and Legislation, which contain the Principles of Legislation, the Principles of a Civil Code, and the Principles of a Common Code.

SECOND EXAMINATION.

Blackstone's Commentaries, vol. 2,--Williams on Real Property,--Watkins's Elements of Conveyancing.

THIRD EXAMINATION.

Stephen on Pleading,--Taylor on Evidence,--Smith on Contracts.

FOURTH EXAMINATION.

Smith's Mercantile Law,--Story on Bills of Exchange,--Story on Promissory Notes,--Story on Partnership,--Story on Agency.

FIFTH EXAMINATION.

Smith's Manual of Equity Jurisprudence,--Story's Equity Jurisprudence,--Sugden's Vendors and Purchasers,--Coote on Mortgages,--Jarman on Wills.

SIXTH EXAMINATION.

Justinian's Institutes,--Gibbon's Decline and Fall of the Roman Empire, with Guizot's and Wanköing's notes, Milman's last edition,--Arnold's History of Rome, vol. 1, chap. 15,--Hallam's Constitutional History,--Constitution of the British Commonwealth,--Blackstone's Commentaries, vol. 4,--Reddie's International Law, Story's Conflict of Laws,--Practice of the Courts of Law and Equity.

SCHEDULE B.

MATRICULATION EXAMINATION.

Reddie's Enquiries, Historical and Elementary, in the Science of Law,--The three portions of Dumont's edition of Bentham's Morals and Legislation, which contain the Principles of Legislation, the Principles of a Civil Code, and the Principles of a Common Code,--Williams on Real Property,--Watkins' Elements of Conveyancing.

SECOND EXAMINATION.

Stephen on Pleading,--Taylor on Evidence,--Smith's Mercantile Law,--Smith on Contracts,--Story on Bills of Exchange,--Story on Partnership,--Story on Agency.

THIRD EXAMINATION.

Smith's Manual of Equity Jurisprudence,--Story's Equity Jurisprudence,--Sugden's Vendors and Purchasers,--Coote on Mortgages,--Jarman on Wills.

FOURTH EXAMINATION.

The same subjects as in the Sixth Examination in Schedule A.

LL.D.

The following are the Lectures in this degree :

1. Having been admitted to the degree of LL.B.
2. Being of the standing of five years from the degree of LL.B.

SCHOLARSHIPS.

There are ten Scholarships in the faculty of law, each of the value of £30.

Each of them is tenable for one year, but the Scholars of each year are eligible for the Scholarships of the succeeding year.

FACULTY OF MEDICINE.

The degrees conferred in this faculty are M. B. and M. D. The requisites for admission to the degree of M. B. are—

1st. Having passed the Matriculation Examination.

2nd. Having completed the 21st year of his age.

3rd. Having pursued medical studies for the period of at least four years; and having regularly attended lectures in the following branches of medical education for the respective periods hereinafter set forth, viz. :

Anatomy	2 courses of six months.
Physiology	Do. do.
Practical Anatomy	Do. do.
Theory and practice of medicine	Do. do.
Principles and practice of surgery	Do. do.
Midwifery and diseases of women and children	Do. do.
Therapeutics and Pharmacology	Do. do.
Chemistry	Do. do.
Botany	1 course of six months.
Practical Chemistry	Do. do.
Medical Jurisprudence	Do. do.

4th. Having attended for at least 12 months the practice of some general hospital having not less than fifty beds; and having attended, during six months, clinical lectures on medicine and surgery.

5th. Having pursued some part of the prescribed course of studies for the period of 12 months, under the direct superintendence of some licensed medical practitioner, and producing a certificate of such study.

6th. Having passed, in this University, an examination in all the subjects specified in article 3.

N. B. Certificates of all the requisites (excepting 2 and 6) must be deposited with the registrar, at least 14 days before the first day of the examination appointed for candidates for the degree of Bachelor of Medicine. Candidates will be also required to deposit at the same time certificates of good conduct.

2nd. The following shall be the requisites for admission to the degree of Doctor of Medicine, viz: Having been admitted to the degree of Bachelor of Medicine.

SUBJECTS OF EXAMINATION.

MATRICULATION.

GREEK AND LATIN LANGUAGES.

Homer, Iliad, B. I.,--Lucian, Vita, and Charon,--Caesar, de Bello Gallico, Bb. V. and VI.,--Virgil, Æneid, B. II.

MATHEMATICS.

ALGEBRA AND ARITHMETIC.

Ordinary rules of Arithmetic,--Vulgar and Decimal Fractions,--Extraction of Square Root,--First four rules of Algebra—(Colenso's Algebra.)

GEOMETRY.

Euclid, B. I.—(Colenso's edition of Simpson's.)

ELEMENTS OF NATURAL PHILOSOPHY.

MECHANICS.

Explain the composition and resolution of statical forces,--Describe the simple machines (mechanical powers),--Define the Centre of Gravity,--Give the general

laws of motion, and describe the chief experiments by which they may be illustrated
 .. State the law of the motion of falling bodies.

HYDROSTATICS, HYDRAULICS, AND PNEUMATICS.

Explain the pressure of liquids and gases ; its equal diffusion, and variation with the depth, .. Define specific gravity, and show how the specific gravity of bodies may be ascertained, .. Describe and explain the barometer, the siphon, the common pump and forcing-pump, and the air-pump.

ACOUSTICS.

Describe the nature of Sound.

OPTICS.

State the laws of reflection and refraction, .. Explain the formation of images by simple lenses.

ASTRONOMY.

Motion of the Earth round its axis and round the Sun ; with applications of these movements to explain the apparent movement of the sun and stars, the length of days, and the change of seasons—explanation of Eclipses and the Moon's phases.

ELEMENTS OF CHEMISTRY.

Properties of matter, aggregation, crystallization, chemical affinity, definite equivalents, .. Combustion, flame ; nature of ordinary fuel ; chief results of combustion—*i. e.*, the bodies produced, .. Heat: natural and artificial sources ; its effects, .. Expansion ; solids, liquids, gases, .. Thermometer : conduction ; radiation ; capacity ; change of form ; liquefaction ; steam, .. The atmosphere : its general nature and condition ; its component parts, .. Oxygen and nitrogen: their properties, .. Water and carbonic acid. Proportion of these substances in the air, .. Chlorine and iodine, as compared with oxygen, .. Water: its general relation to the atmosphere and earth ; its natural states and degree of purity, .. Sea water, river water, spring water, rain water, .. Pure water ; effects of heat and cold on it ; its compound nature ; its elements, .. Hydrogen : its proportion in water ; its chemical and physical properties, .. Sulphur: phosphorus, and carbon generally, .. Nitric acid, sulphuric acid, carbonic acid, hydrochloric acid ; their properties and uses, .. Alkalies: earths, oxides generally, .. Salts: their nature generally. Sulphates, nitrates, carbonates, .. Metals generally—iron, copper, lead, tin, zinc, gold, silver, platinum, mercury, .. The chief proximate elements of vegetable and animal bodies ; their ultimate composition.

ELEMENTS OF ZOOLOGY AND BOTANY.

Patterson's Zoology .. Henfrey's Botany.

MODERN LANGUAGES.

ENGLISH.

Grammar and Composition.

FRENCH.

Grammar, and Translation from French into English.

HISTORY AND GEOGRAPHY.

Outlines of English history, to present time, .. Outlines of Roman History to death of Nero, .. Outlines of Grecian History, to death of Alexander, .. Outlines of Ancient and Modern Geography.

SCHOLARSHIPS.

There are ten Scholarships in the Faculty of Medicine, each of the value of £30. Each of them is tenable for one year, but the Scholars of each year are eligible for the scholarships of the succeeding year.

The following is the distribution of the Scholarships:

Three amongst matriculants, . . Three amongst students of the standing of one year from Matriculation, . . Two amongst Students of the standing of two years from Matriculation, . . Two amongst students of the standing of three years from Matriculation.

SUBJECTS OF EXAMINATION FOR THE SCHOLARSIPS.

FIRST YEAR.

Anatomy of the Bones, Muscles and Ligaments; and of the viscera of the Abdomen and Thorax, . . General Anatomy and Physiology of the organs of Locomotion, Digestion, and Circulation, . . Inorganic Chemistry, Heat and Static Electricity.

SECOND YEAR.

Anatomy, . . Physiology, . . Organic Chemistry, Light, Electricity, . . Botany, . . Therapeutics and Pharmacology.

THIRD YEAR.

Medicine, . . Surgery, . . Midwifery, . . Medical Jurisprudence, . . Comparative Anatomy, . . Practical Chemistry.

CIVIL ENGINEERING.

The requisites for obtaining the diploma in Civil Engineering are:—

Having passed an Examination in the subjects appointed for Candidates for Matriculation in Civil Engineering—being of the standing of two years from Matriculation, and having passed in each of these years an Examination in the subjects prescribed for each such year of the Course appointed for Students in civil Engineering.

SUBJECTS OF EXAMINATION.

MATRICULATION.

MATHEMATICS.

Arithmetic, . . Algebra, (Colenso's) . . Euclid (Colenso's edition of Simpson's), Bb. I. II. III. IV., Definitions B. V. and B. VI., . . The nature and use of Logarithms (Colenso's), . . Plane Trigonometry, as far as Solution of Plane Triangles (Colenso's.)

ELEMENTS OF NATURAL PHILOSOPHY.

MECHANICS.

Explain the composition and resolution of statical forces, . . Describe the simple machines (mechanical powers), . . Define the centre of gravity, . . Give the general laws of motion, and describe the chief experiments by which they may be illustrated, . . State the law of the motion of falling bodies.

HYDROSTATICS, HYDRAULICS AND PNEUMATICS.

Explain the pressure of liquids and gases; its equal diffusion, and variation with the depth, . . Define specific gravity, and shew how the specific gravity of bodies may be ascertained, . . Describe and explain the barometer, the siphon, the common pump and forcing-pump, and the air-pump.

ACOUSTICS.

Describe the nature of sound.

OPTICS.

State the laws of reflection and refraction, . . . Explain the formation of images by simple lenses.

ASTRONOMY.

Motion of the earth round its axis and round the Sun; with applications of these movements to explain the apparent movement of the Sun and Stars, the length of days, and the change of seasons—explanation of Eclipses and the Moon's phases.

ELEMENTS OF CHEMISTRY.

Properties of matter, aggregation, crystallization, chemical affinity, definite equivalents, . . . Combustion, flame; nature of ordinary fuel; chief results of combustion—*i. e.*, the bodies produced, . . . Heat; natural and artificial sources; its effects. Expansion; solids, liquids, gases, . . . Thermometer; conduction; radiation; capacity; change of form; liquefaction; steam, . . . The atmosphere: its general nature and condition; its component parts, . . . Oxygen and nitrogen; their properties, . . . Water and carbonic acid, . . . Proportions of these substances in the air, . . . Chlorine and iodine, as compared with oxygen, . . . Water: its general relation to the atmosphere and earth; its natural states and degree of purity, . . . Sea water, river water, spring water, rain water, . . . Pure water: effects of heat and cold on it; its compound nature; its elements, . . . Hydrogen: its proportion in water; its chemical and physical properties, . . . Sulphur, phosphorus, and carbon generally, . . . Nitric acid, sulphuric acid, carbonic acid, hydrochloric acid: their properties and uses, . . . Alkalies, earths, oxides generally, . . . Salts: their nature generally. Sulphates, nitrates, carbonates, . . . Metals generally: iron, copper, lead, tin, zinc, gold, silver, platinum, mercury, . . . The chief proximate elements of vegetable and animal bodies; their ultimate composition.

ELEMENTS OF MINERALOGY, GEOLOGY AND PHYSICAL GEOGRAPHY.

(Dana's Manual of Mineralogy; Hitchcock's *Geology*; Buff's *Physics of the Earth*.)

MODERN LANGUAGES.

ENGLISH.

Grammar and Composition.

FRENCH.

Grammar, and Translation from French into English.

HISTORY AND GEOGRAPHY.

Outlines of English History to present time.

- " Roman " to death of Nero.
- " Grecian " to death of Alexander.
- " Modern Geography.

DRAWING.

FIRST YEAR.

MATHEMATICS.

Euclid XI., 1 to 21, and Descriptive Geometry (Geometrie Descriptive par G Monge; or Heather's Treatise on Descriptive Geometry.)

STATICS, DYNAMICS, HYDROSTATICS.

(Goodwin's Course of Mathematics.)

CHEMISTRY.

(Fownes's Elements of Chemistry; Lardner's Hand-book of Heat and Electricity.)

GEODESY.

(Simms's Mathematical Instruments; Williams's Practical Geodesy.)

DRAWING.

MODERN LANGUAGES.

ENGLISH.

Composition, . . Rhetorical Forms, . . History of English Literature, temp. Elizabeth.

FRENCH.

Translation from English into French, . . Voltaire, Zaire, . . Moliere, le Festin de Pierre, . . History of Provençal Literature (Sismondi's Literature of the South of Europe), . . History of France to Francis I. (Bonnechose's.)

HISTORY.

Outlines of Mediæval History, . . English History to the death of Stephen.

SECOND YEAR.

MATHEMATICS.

Spherical Trigonometry (Hann's) and Stereotomy (Leroy's.)

OPTICS.

(Goodwin's Course of Mathematics.)

APPLIED CHEMISTRY.

(Knapp's.)

MINERALOGY.

(Dana's System of Mineralogy.)

GEOLOGY.

(De la Beche's Geological Observer; Logan's Geology of Canada.)

PHYSICAL GEOGRAPHY.

(Somerville's.)

CIVIL ENGINEERING.

Including Principles of Architecture and Engineering Finance.

DRAWING.

MODERN LANGUAGES.

ENGLISH.

Composition, . . Logical and Rhetorical Forms.

FRENCH.

Composition on a given subject, . . Racine, Athalie, . . Lamartine, Voyage en Orient, History of French Literature, . . History of France, from Francis I. to Louis XVI. (Bonnechose's.)

HISTORY.

Outlines of Modern History, . . English History from the death of Stephen to death of Henry VII.

SCHOLARSHIPS.

Five Scholarships of the value of £30 each are offered for competition in this department, three amongst Matriculants, and two amongst Students of the standing of one year from Matriculation. Each Scholarship is tenable for one year, but the Scholars of each year are eligible for the Scholarships of the succeeding year.

DECISIONS OF THE CHIEF SUPERINTENDENT OF SCHOOLS

ON QUESTIONS PROPOSED BY LOCAL SCHOOL AUTHORITIES.

I.—Alteration of School Section Boundaries—Levying Additional Rates.

"1. The object of the 4th clause of the 18th section of the act was not to deprive a township council of the power of altering the boundaries of any school section without the consent of the majority of such school section; the object of the act was to prevent changes from being clandestinely made in the boundaries of school sections, without giving all parties concerned notice of any alteration or alterations proposed, that they might have an opportunity of putting the council in possession of all they might wish to say for or against such alterations. But, after all parties have thus had an opportunity of a fair hearing, the township council has authority to make any alterations in the boundaries of school sections it may judge expedient, provided such alterations take effect only on the 25th December or at the close of each year, so as not to derange the calculations or proceedings of the trustees in the course of the year. The only case in which the formal consent of the inhabitants of school sections is requisite in order to an alteration in their boundaries, is in uniting two or more sections into one.

"2. The last part of the resolution of the School Section meeting, containing the words "and no taxation," is null and void, and of no more effect than if it had not been adopted; as the last part of the 7th clause of the 12th section of the act expressly authorises the trustees to levy any additional rate they may think necessary to pay the balance of school expenses; and this rate, as the attorney general has decided, cannot be merely on parents sending children to the school, but must be on all the rateable property of the school section.

II.—Schools—how to be supported.

"It is contrary to law to levy a rate on children of school age without regard to their attending the school; or, in other words, to tax a man according to the number of his children between 5 and 16 years of age. The school act authorizes three modes of providing for the expenses of the school—namely, voluntary subscription, rate-bill on parents sending children to the school, and rate on property; and if the sum authorized by either of these modes of supporting the school be insufficient to defray all the expenses incurred by the trustees, they then have authority, by the latter part of the 7th clause of the 12th section, to levy any additional rate on the property of the whole section, not,—as the law officer of the crown has decided,—merely on parents sending children to the school to provide for the payment of such expenses.

III.—Responsibility of Trustees—Divisions of School Sections—Meetings—Union—Sections—Who are Freeholders and Householders.

"1. If the Trustees of a school section do not keep open their school, though abundantly able to do so, the constituencies that elected such persons as trustees, must suffer the consequences of their conduct, like the constituencies of an unfaithful member of parliament or of a municipal council.

"2. The 4th clause of the 18th section of the act states the way, and the only way, in which school sections can be divided and their school-house property thus disposed of.

"3. The electors who neglect to attend the annual school meeting of their section, have no just reason to complain of any decisions of such meeting, any more than the

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electors who neglect to vote at the election of a councillor or member of the legislature have just reason to complain of the result of such election. But by the 12th clause of the 12th section of the act, trustees, if they think proper, can call a special meeting for any school purpose whatever.

"4. All that an annual school meeting has power to do, is enumerated in the several clauses of the 6th section of the act. All else that an annual school meeting may resolve to do, is null and void, as if it had not been done. The trustees alone, and not any public meeting, have the right to decide what teacher shall be employed; how much shall be paid him; what apparatus shall be purchased; what repairs, &c., shall be made; how long the school may be kept open; in short, every thing that they may think expedient for the interest of the school. See clauses 4 and 5 of the 12th section. No special school meeting called by the trustees (and nobody else has the right of calling a special school meeting) has a right to decide or discuss any other matter or matters than such as are specified in the notice of the trustees calling such meeting; as provided in the 12th clause of the 12th section.

"5. Each union school section is to be regarded as a section of the township within the limits of which its school-house is situated, and to receive its apportionment from such township only. The only exception is, where the children of school age in any such section were reported, for 1850, partly to the local superintendent of one township and partly to the superintendent of another. In any such case, the apportionment was made by this department to each such township accordingly; but in all cases where the children in union school sections were reported for 1850 to the superintendent of one township only, the apportionment for 1851 must be made by the superintendent of such township—including both parts of the school fund. This year, and in time to come, there will be no exception to the general rule.

"6. The father of whom you speak, had no right to vote at the school meeting to which you refer. If he had rented the house of his son, and occupied it, he and his son would have both had a right to vote—the one as householder, the other as freeholder. But the father was neither; he was only an inmate in his son's house."

IV.—Assessment for School Apparatus.

School Trustees have ample authority to include the expense of their school apparatus and all other expenses of the school in the rate on property assessable; nor is it necessary to call a meeting in regard to the purchase of the apparatus, as the 4th and 5th clauses of the 12th section of the act, leave all such matters to the discretion of the trustees.

V.—Who decide upon the amount and collection of School Expenses.

"The majority of the trustees of any school section has the right to decide what expenses they will incur for school apparatus, salaries of teachers, and all other expenses of their school—see the 4th and 5th clauses of the 12th section of the School Act. The trustees are not required to refer to any public meeting whatever, as to the nature or amount of any expenses they may judge it expedient to raise, to promote the interests of the school under their charge; they have only to leave to the decision of a public meeting, the manner in which such expenses shall be paid; and then if such meeting does not provide adequate means to defray the expenses incurred, the trustees have authority by the latter part of the 7th clause of the 12th section of the act, to provide for the balance of such expenses by assessing the property of their section."

VI.—Trustees' right to assess the property of absentees—Corporate Seal.

"I regret that you will have to go to law to sustain the undoubted right and powers of trustees, as the very point denied in your case was brought up in the Legislature when the Bill was under discussion—it having been argued that if the

trustees could assess the property of absentee landholders, such landholders ought to have the right of voting at the school meetings of the section of such trustees. In accordance with this view, the word "resident," in the original draft of the bill, was struck out before the word "freeholders," in the 2nd line of the 5th section of the act.

"But it is important that you see that every step you have taken, or may take, be according to the provisions of the act, as to the manner of proceeding, that no mere technical advantages may be taken of you. You will recollect that a seal should be used in your corporate acts."

VII.—*Payment of school officers—What is a six months' school.*

"1. The 40th section of the School Act defines the school fund to be the Legislative school grant and an equal sum raised by local assessment; and the 45th section requires the payment of that amount for the salaries of teachers alone. What a county council raises over and above that amount, it can of course expend in payment of local superintendents, but the 4th clause of the 27th section of the act does not permit the payment of per centage to local treasurers for the receipt and payment of school moneys.

"2. The keeping of two schools open three months by qualified teachers in a school section, is no compliance with the provision of the law for keeping a school open at least six months of the year, or a male and female school under the conditions specified in the latter part of the 5th clause of the 12th section of the act. No child could attend both schools at one and the same time; and therefore they both amount to nothing more for the children in the school section, than one school during three months. As the section in question did not comply with the provisions of the School Act in 1851, you cannot, according to the 2nd clause of the 31st section, pay any part of the school fund of the present year to such school section; but if the trustees will comply with the provisions of the act this year, I would advise you, under the 5th clause of the 35th section, to aid them to the amount of their forfeited apportionment of 1851."

VIII.—*Female votes at school meetings.*

"The question whether female freeholders or householders have a right to vote at school meetings, has several times been mooted; but has not been brought before the Court of Queen's Bench for legal decision. They have voted in Toronto, Brantford, and, I believe, in some other places; and although some complaints or remarks have been made about their voting, their votes had been received, and have not been legally contested by any party.

"Having examined the laws relating to the elections of both municipal councillors and members of the Legislature, I find that women are expressly precluded from voting at such elections. See 12th Vic. ch. 27, section 46, and 12th Vic. ch. 81, section 57. From these acts, it appears plain that, where women are not expressly excluded from the right of voting at an election, they possess that right under the same condition as males, and especially when they are included in all such words importing singular number and masculine gender, as expressly provided in the "Interpretation Act," 12th Vic. ch. 5, clause 7.

"The Court of Queen's Bench alone has authority to decide the legal question finally; but, in the meantime, I think the female as well as male "freeholders and householders" of a school section have a right to vote at all lawful school meetings of such section."

IX.—*What should be specified in notices of Annual and Special meetings.*

"It is the duty of trustees to specify the object or objects of any special school meeting, but not of an annual meeting; and nothing but what is specified in the 6th

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section of the School Act can be considered at an annual school meeting; neither can anything not specified in the notice of the trustees, be considered at a special school meeting."

X.—Rights of Trustees and school meetings.

"It is with the majority of the trustees of a school section, and not with any public meeting whatever, to decide how long a school shall be kept open, what teacher shall be employed, how much shall be given him, and what money shall be expended for repairs, school books, apparatus, &c. See the 12th section, clauses 4 and 5 of the School Act. All that any public meeting has a right to say in regard to school expenditure is as to the manner in which it shall be provided; and if the means adopted at any school meeting are not sufficient to pay all the expenses which the trustees may deem expedient, the latter part of the 7th clause of the 12th section of the School Act empowers trustees to raise the balance by assessing all the rateable property in their school section."

XI.—Collection of former years' rates.

"The law does not limit the trustees as to the time when they shall collect school rates required for any particular purpose; so that you have the same authority to levy and collect the school rates to pay a debt contracted in 1850 and 1851, as if you had levied them the day after the holding of the school meeting which decided on paying the salaries of the teacher by a rate on property."

XII.—Effect of resolutions of school meetings.

"If the school meeting to which you refer specified in its resolution the amount per month or per quarter, which should be paid for the attendance of each pupil at school, you ought to impose that sum; and then, if the sums thus imposed, together with the apportionment from the school fund, did not pay the salary of your teacher, and all other expenses of your school, you would, under the authority of the 7th clause of the 12th section of the act, have authority to assess the property of the school section for the balance."

"If the school meeting did not resolve upon any particular sum to be paid for the attendance of each child, then you, as trustees, ought to levy the rate-bill per child attending the school at the sum you have usually levied, and then assess and collect whatever balance you may require to pay your teacher's salary and other expenses of the school, as authorized by the latter part of the 7th clause of the 12th section of the act referred to."

"By the 4th and 5th clauses of the 12th section of the School Act, you will observe that it is the trustees, and not any public meeting, that have the right to determine everything as to keeping open the school, employing the teacher, and determining the amount to be raised and expended for school purposes in their section."

XIII.—Attendance &c. not to invalidate a school meeting.

"Then If there are only three persons present at an annual school meeting, they have the same power to act for the whole section, as if there were one hundred present. All the electors of a county, or township, or school section, have a right to vote at the elections held for each; but if any electors do not attend to exercise their right, they cannot complain of the result of any such election."

XIV.—What property is assessable in a section.

"The assessor or collector's roll is the sole guide as to the property assessable in any school section. It makes no difference whether one-half or the whole of a property lies in a school section, it is all liable to be assessed for the school purposes of such section, and, of course, not for those of any other school section." *

* See also the provisions of the 16th section of the Supplementary Act, page 46.

XV.—Power of majority of school corporation—Rate-bills.

"By the Interpretation Act, 12th Vict., ch. 10, section 5, clause 24, it is expressly provided that the majority of the members of any corporation whatever, have authority to act in behalf of such corporation, and bind the minority by their acts. Two trustees, therefore, have authority to contract with a teacher, and determine the amount of his salary and the terms of paying it.*

"In reference to the resolution proposed at the late annual meeting of your school section, stating that the teacher's salary be collected by rate-bill from the parents and guardians of scholars attending the school during the year 1852, I remark, that it is contrary to certain express provisions of the School Act, especially the latter part of the 7th clause of the 12th section. The majority of a school meeting may determine, within the limits prescribed by the act,† the manner in which their school shall be supported; but they have no authority to say that a certain portion of the inhabitants of their section shall pay all the expenses of their school.

"You, as trustees, have authority, under such a resolution, to levy the rate-bill you may have been accustomed to impose upon parents sending children to the school, and provide for the balance (if there should be any) of the teacher's salary, and other expenses of your school, by assessment upon the property of your school section, as prescribed in the latter part of the 7th clause of the 12th section of the act."

XVI.—School meetings cannot prescribe an assessment not authorized by law.—What are teaching days.

"No school meeting has authority to tax a man according to the number of his children of a certain age; nor has any school meeting authority to say what description of landholders or freeholders shall be taxed for school purposes. Whatever sum or sums are raised in a school section, for school purposes, otherwise than what may be raised by subscription and rate-bill, on parents sending children to the school, must be raised by rate on all the property of the school section as given in the assessor or collector's roll. See 9th clause of the 12th section of the act.

"Your trustees, therefore, have no legal authority to carry into effect either of the resolutions which you enclose. As no lawful manner has been resolved upon whereby the trustees can raise the balance of the teacher's salary over and above the amount of apportionment from the school fund; they can do so, by assessment, under the authority of the latter part of the 7th clause of the 12th section of the act. Or, if they think proper, they can call a special meeting to consider the subject again.

"The number of teaching days in each month is, all the secular days of each month not specified as holidays in the 1st section of the general regulations prescribed by the council of public instruction."

XVII.—Rate-bills—Effect of an annual meeting refusing proviso for school expenses—Authority to call special meetings—Annual meetings—Neglectful Trustees.

"1. An annual or special school section meeting has authority to say whether a school shall be supported by rate-bill, at a certain amount per quarter; but such meeting has no authority to say whether a child attending one week or one month shall pay for the whole quarter. The last part of the 8th clause of the 12th section of the School Act, makes it the duty of the trustees to adopt a monthly, quarterly, or half-yearly rate-bill, as they may judge best. The trustees can, if they think proper, impose a rate-bill of one shilling and three pence per month (which is at the rate of

* But a majority of the corporation cannot act without notifying their college or colleges—U. C. C. P. R.

† No rate-bill can exceed 1s. 3d. per month per pupil.

three shillings and nine pence per quarter), and raise whatever balance may be required to make up the teacher's salary, &c., by assessment, as authorized by the latter part of the 7th clause of the 12th section of the act.

"2. Trustees have no authority to levy a rate-bill for less than one month.

"3. It is not lawful for any school meeting to adopt a resolution against all school tax, as the latter part of the 7th clause of the 12th section expressly authorizes the trustees to levy a tax on property, if necessary, to make up the balance of a teacher's salary, and other expenses of their school.

"4. If a majority of a special school meeting, called for that purpose, does not resolve upon any method of providing the teacher's salary, then the trustees have authority to provide for the whole balance of the teacher's salary, over and above the amount of the apportionment from the school fund, by assessing the property of the school section, as authorized by the latter part of the 7th clause of the 12th section of the act. Thus adopting no resolution at such meeting as to the mode of providing for the teacher's salary, is equivalent to resolving in favour of a free school; for, in such circumstances, the trustees have no authority to impose a rate-bill on parents sending children to the school; they must raise whatever balance they require under the authority of the clause last referred to.

"5. The trustees have authority, under the 12th clause of the 12th section of the act, to call as many special school meetings as they please, and for any school purpose whatever.

"6. No other parties than the trustees of a school section have authority to call a legal meeting of the voters of such section, except the local superintendent as provided in the supplementary act.

"7. Each annual school meeting must be held the hour of the day, as well as on the day specified by law. If any annual school meeting under your jurisdiction, was held at 6 o'clock, p.m., instead of at 10, a.m., of the day specified by law, the proceedings of such meeting are null; but, according to the 5th section of the act, the old trustee continues in office until his successor is elected, as authorized in the proviso of the 9th section.

"8. A trustee can be sued by no other than the majority of his colleagues for any neglect of duty. See 8th section of the act."

XVIII.—*Each school is for the children resident in the section, and not for non-residents.*

"The trustees of a school section have no legal authority to admit to their school any children not resident in their section.

"The 11th clause of the 12th section of the act has reference to the collection of rates on the property of non-residents, but has no reference to the assumed admission of non-resident children to the school. The school of each school section is for the children of school age in that section, and for no others. In some instances, children have been permitted to go to the school of a section in which they did not reside, but not when it has been objected to by any party residing in the section, either to or from which such children have been sent."

XIX.—*A meeting cannot say that residents shall pay according to the number of their children.*

"No school section meeting has authority to tax any man according to the number of his children of school, or of any age.

"A school meeting has a right to vote that a rate-bill of 7½d. per month shall be paid for each pupil attending the school.

"The trustees, therefore, of the section to which you refer, have a right, and it is their duty to levy the rate-bill of 7½d. per month for each pupil attending the school; but they have no right, nor can they collect by law the proposed rate of 5s. for each child

resident in the school section between the ages of 5 and 16 years, whether such child attends the school or not. But if the school fund apportionment for the year, and the monthly rate-bill of $7\frac{1}{2}$ d. per pupil, are not sufficient to make up the salary which the trustees may think proper to pay the teacher, and defray the other expenses of the school, the trustees have authority, by the latter part of the 7th clause of the 12th section of the School Act, to assess the property of the school section for the balance they may require for such purposes."

XX.—*No school meeting can pass a resolution to take away from trustees a power given them by Act of Parliament.*

"The 4th and 5th clauses of the 12th section of the School Act, makes it the duty of the trustees to determine what expenses they will incur to support their school; and the latter part of the 7th clause of the same section provides, that if the sum or sums provided for at an annual or special school meeting are not sufficient to pay the expenses thus incurred, the trustees shall have authority to assess the property of the section and collect any additional rate they may require, to enable them to meet their engagements. Where, therefore, a school meeting pass a resolution against any tax or school rate, the majority of the trustees have ample authority to levy and collect a property-rate for whatever sum or sums they may require, over and above the amount of the school fund apportionment for the year, to pay their teacher's salary and the other expenses of their school. The proceedings of such a meeting, in short, enable and require the trustees to establish and support their school as a free school,—as they have no authority to levy a rate bill on parents sending children to the school, according to such resolution."

XXI.—*Special meetings can rescind a former meeting's proceedings.*

"As the 12th section of the School Act authorizes the trustees to call a special meeting of their section for any school purpose specified in such section, a majority of the trustees of your school section have authority to call a special meeting to reconsider the whole question of the mode of providing for the support of your school, and rescinding or modifying any resolutions which may have been adopted on the subject, at the annual or any previous school meeting."

XXII.—*Sub-apportionment of School Moneys by a Local Superintendent.*

"The standard by which all the schools are to be dealt with, for each half year, is six months. If, therefore, there are two schools with an average attendance each of fifty pupils, the one kept open three months and the other six, the latter is entitled to twice as much as the former. When the school fund is distributed according to the average attendance, time as well as attendance must be taken into account; when it is distributed according to the length of time alone that schools are kept open (as provided in the eighteenth section of the supplementary school act) attendance is not taken into account."

XXIII.—*Refusal to honour a Local Superintendent's Check by a Sub-Treasurer.*

"Your only and sure resource is to sue the sub-treasurer for the amount of your check upon him, as the treasurer or sub-treasurer is required by law to pay all lawful orders of local superintendents for school moneys, whether he has school moneys in hand or not. See the first and fourth clauses of the twenty-seventh section of the common school act of 1850. You can sue and recover the amount of the check and the interest on it from the time you first presented it; and if the treasurer had no funds to pay it, he must look to the council to compensate him for any losses he may have sustained by the suit or payment of the money."

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XXIV.—*Illegal Resolution to compel parents to defray all the expenses of a School—Liability of Trustees.*

"In reference to the resolution adopted at the annual school meeting, declaring that all the expenses of the school for the current year, should be provided for by rate-bill on parents sending their children to the school, I have to remark that it is null and void, beyond the imposing of the highest rate-bill permitted by law,—namely, one shilling and threepence per month for each child attending the school. No additional or other rate-bill than this one shilling and threepence a month can be imposed by law upon any person for a child attending school. All the rest of the expenses of the school must be provided for by a rate on all the taxable property of the school section. This is the requirement of the law, and does not depend upon the views of trustees, or the vote of a school meeting.

"If the trustees do not keep the school open six months of the year, and thus forfeit the apportionment of the school fund, they become (according to the ninth section of the supplementary school act of 1853) personally liable for the amount thus forfeited and lost to their section."

XXV.—*Attendance from other school sections not lawful, except in certain cases.*

"Trustees are under no obligations, and, strictly speaking, have no authority to admit any other than pupils resident in their own section, except in the case provided for in the twelfth section of the supplementary school act of 1853. If other non-resident children are admitted to the school, the trustees must agree with their parents as to the sum they are to pay, or to lay down a condition that each non-resident pupil shall pay a certain sum per month or per quarter. But such fees can only be collected by suing, if the person concerned do not pay voluntarily.

"No parents can be compelled to pay a rate-bill for a child whom he does not send to school. But he is liable to pay all other school rates of his section."

XXVI.—*Taxpayer's right to a School.—Interference by a Township Council.—Inviolability of School Moneys.*

"1. A person has a right to send his child to the school of any section in which he is taxed.

"2. The proceeds of all property taxed within the limits of a school section must be paid to the corporation of that section, whether the owner of it resides in such section or not. A township council has no authority to give any orders as to the disposal of any school moneys; much less has it authority to contravene the law of the land. The county council alone has authority to levy the assessment part of the school fund; a township council has no authority to levy a school rate in any school section, except at the request of the trustees of a school section, and subject to their order. The only taxes for educational purposes that the school law authorises the township council to levy, except at the request of the trustees of school sections, are for a township library and a township model school, as provided for in the second clause of the eighteenth section of the common school act of 1850.

"3. The trustees cannot apply for library purposes, money raised for the payment of teachers. In your case, the trustees might, as it were, borrow the surplus money to which you refer for the purchase of a library, and refund it by rate, when required, for the payment of your teachers."

XXVII.—*Assessor's Roll, the sole guide for Trustees in levying School Rates.*

"The assessor's roll must be the guide of trustees as to what property, or portion of property, belonging to any person is liable to pay school rates in their section. The sixteenth section of the supplementary school act of 1853, contains direc-

tions and requirements to assessors, as to the manner in which they must assess property. But whether that roll is correct or not, the trustees must be guided by it, in levying school-rates, as required by the eighth clause of the twelfth section of the school act of 1850."

XXVIII.—*Meaning of the term "Lot" in the School Act.—Retrospective Assessments.*

"The meaning of the term 'lot' in the proviso of the sixteenth section of the supplementary school act of 1853, depends upon the original survey of the township. If in such survey the land was divided into portions of two hundred, or one hundred, or fifty acres each, then a 'lot' means that quantity of land; that is, provided the property does not consist of parts of two or more lots.

"An assessment may be levied and collected in 1854 for a house erected in 1853, or at any previous period."

XXIX.—*Rates levied on Property, not on Individuals.—Law expenses incurred by Trustees to be borne by the section.*

"All rates are levied on *property*, not on individuals; and if the rates thus levied are not paid, when called for, by the persons resident on the property, then whatever goods or chattels may be found on it are first liable to be seized and sold for the payment of the rates. If no goods or chattels for the trustees to distrain can be found, a return is made to the clerk of the municipality, and the rates will be collected in the same manner as the arrears of other taxes. (See twenty-second section of the supplementary school act of 1853.) It is for parties buying and selling landed and other property to settle between themselves in regard to the payment of taxes; with that the trustees having nothing to do—only with the property as they find it valued on the assessment roll, and as it exists.

"Any expenses which trustees may incur in law proceedings in the defence or enforcement of their authority, is a legitimate part of the expenses which they have a right to collect from the school section on whose behalf they act,—and not gratuitously."

XXX.—*Union of Sections in adjoining Counties, how effected.*

"The school sections in adjoining townships in different counties can be united in the same way as school sections in adjoining townships in the same county, as provided for in the fifth proviso in the fourth clause of the eighteenth section of the school act of 1850, but not in any other way. Two sections in the same township can be united as provided for in the first part of clause referred to. But a mere vote of parties in school sections is not sufficient to unite them legally, but is proper to prepare the way for parties authorized by law to do it. In an union school section there can be but three lawful trustees, elected in the same manner as trustees in any other sections."

XXXI.—*Fear of embarrassment from a small Rate-Bill.—Threat of a Mandamus, protection of Trustees.*

A special school meeting having fixed the monthly rate-bill at seven-pence half-penny, and certain parties having threatened to apply for a mandamus to compel the trustees to collect it, the trustees feared embarrassment from want of means to meet their engagements. In this dilemma, they sought advice, preparatory to imposing a higher rate-bill in opposition to the decision of the meeting. The inexpediency of doing so was thus pointed out :—

"You should have no hesitation in carrying out the decision of the special school meeting to which you refer. In doing so, it will not be necessary for you to do more at present, than simply to impose the rate-bill of seven-pence half-penny per month for each pupil attending school. It is not until the end of the year, or towards

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its close, that you will have to impose a general rate upon the property of the section, to make up the balance required to pay the teacher's salary and other expenses of the school, as authorised by the latter part of the seventh clause of the twelfth section of the school act of 1850. In the mean time it will not be necessary for you to offer any explanation either of your intentions or of your conduct to the party who has addressed to you the uncalled-for letter which you have enclosed. By acting in the manner I have indicated, it is not at all likely that the parties who wrote the letter can obtain a mandamus; and even if they should succeed, all the expenses which you may incur must be borne by the section, and can be collected by a rate upon the property of the section. In all your official proceedings you will be particular to use your corporate seal. Any opposition you meet with will likely be on the part of those refusing to pay the rate which you may impose at the close of the year. In such a case the legality of the matter can, if the opposition choose, be tested in the division court. But from the twenty-fourth section of the supplementary school act of 1853, you will see that ample protection will be afforded you by this department, in the exercise of your rights and the performance of your duties."

XXXII.—*Right of Trustees to obtain legal advice.—Auditing of School Section Accounts.*

"1. Trustees have a perfect right to procure such legal advice, at the expense of the section, as they may deem necessary to aid them in the performance of their duty in doubtful cases, such as those to which you refer. They are required by the seventh clause of the twelfth section of the school act, of 1850, to take 'all lawful means' to collect school moneys. Sometimes they may be doubtful as to the 'lawful means' they should adopt. In such a case they should apply for advice.

"2. No advantage can or should be taken of an error in judgment on the part of trustees in the matter,—the county courts being now courts of equity to a limited amount, would sustain the trustees in case of an appeal to them.

"3. A school meeting has no authority to dispute the right of the trustees to fix the amount of the remuneration payable for the services rendered to the section. All it can lawfully do is to see that the expenditure of the money collected, or received, is duly accounted for. No arbitration is required in the matter."

XXXIII.—*Trustees alone can fix the salary of the Teacher.*

"The trustees alone have the right to increase the salary of their teacher as they may judge expedient. That is their duty and privilege, as you will perceive by the fifth clause of the twelfth section of the school act of 1850, which states expressly that it is the duty of trustees 'to contract with and employ all teachers for (their) school section, and determine the amount of their salaries.'"

XXXIV.—*Personal responsibility of Trustees for neglecting to keep open a School.*

"By the ninth section of the supplementary school act of 1853, trustees are made personally responsible for their neglect of duty in not keeping open a school, and thus entailing on the section the loss of its share of the school fund to which it would otherwise be entitled."

XXXV.—*Libraries must be under the control of a Corporation, and not of an Association, of Subscribers.*

"I have to state that unless the township council, as a corporation, assume the responsibility of taking charge of the library books, you cannot, I regret to say, avail yourself of the liberality of the legislature. You should hand the council your contributions, and thus let it act in behalf of the township. In that case all parties will have access to the library, free of charge, upon compliance with the rules and regulations for the management of public libraries in Upper Canada. The trustees of

each section concerned, could take charge of a portion of the general library, and thus distribute the books over the entire township."

XXXVI.—*Township Councils can establish Branch Libraries.*

"A municipal council has full authority to divide the library into as many branches as it pleases, so long as it, or some competent person, or persons, on its behalf, becomes responsible for the management of the library and safe keeping of the books, as required by the regulations of this department.

"The council can appoint the trustees, or other parties, to take charge of the library, or parts of it, the council being still responsible for the cost and management of the whole library.

"The books can be changed from one branch library to another, under the authority of the council—thus permitting all the residents in the township to have access to all the books of all the branches."

XXXVII.—*Improvement of School Premises.*

"The 4th clause of the 12th section of the school act of 1850, makes the trustees the sole judges as to what sum or sums shall be expended in a school section, for a public library or any school purpose whatever, and whether a school-house shall or shall not be built, and what kind of one if built. The power of a public meeting in such cases is given in the former part of the 7th clause of the same section, and relates to the manner in which such sum or sums shall be provided—the latter part of the clause giving the trustees the power to provide by rate on property for any sums not provided for by a rate of a school meeting."

XXXVIII.—*Responsibility of Trustees for the acts of pupils.—Parties compelled to give Deed*

A person whose property was situated near the school-house fearing that it might receive injury from the scholars, wished to compel the trustees to give a bond for the good behaviour of those scholars. The trustees declined, but sought advice on the subject.

"You should not of course give the 'bond' required of you. If any of the pupils should injure the property of the person to whom you refer, he must prosecute the parents or guardians of such pupils. The trustees cannot assume the responsibility of the conduct of such pupils.

"You can apply to the court of chancery to compel the person to give you the deed he promised ;—in which case you will adduce the report to which you refer, and the best of other evidence you can obtain as to his agreement to do so. You can charge to your section whatever expenses you may incur in securing a title, and the person resisting will of course subject himself to expenses by his violation of his engagements."

XXXIX.—*Authority of the Teacher to maintain discipline in the School.*

"A teacher as well as parent should endeavour to govern children by their affections; but a teacher as well as a parent ought to exercise firmness, no less than tenderness, in the government of children; and should, as well as the parents, use the rod, if he thinks it necessary to ensure obedience. The first requisite in school discipline is obedience on the part of pupils; and a teacher must use all the means necessary to maintain it—mild means if sufficient, but severe means if he thinks it necessary. Should it be known or supposed by pupils, or children, that the teacher or parent had no right to chastise them for disobedience, school or family government could not be maintained. If children are well governed at home, they will seldom need the rod at school; but children that have not been taught order and obedience at home, generally have to be taught it at school. The parent or teacher that can

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govern best by the least severity, is the best governor; but the right to use it must always be maintained. In the United States, the highest courts have decided that a teacher, by virtue of his office, apart from usage, has a right to inflict any punishment, that is necessary to enforce obedience in his school, and if a contrary decision should be made by a magistrate in your case, you should appeal to a higher court. If, as the Sacred Scriptures state, the parent that 'spareth the rod, hateth his child,' the teacher that does not use the rod when his orders are wilfully disobeyed, violates his duty and wrongs the children placed under his charge."

XL.—Monthly Rate-bills.—Corporate Seal.—Voluntary subscriptions for the support of a School.—Collector, the Agent of Trustees.

"1. MONTHLY RATE-BILL.—If a rate-bill is levied at so much per month, then each pupil admitted into the school is liable to pay for one calendar month, whether he attends the whole or only a few days of the month. The same rule of interpretation applies to a quarterly rate-bill; see proviso in the 8th clause of the 12th section of the school act of 1850.

"2. CORPORATE-SEAL.—A school section must have a corporate seal. No act of the trustees is lawful as a corporate act, unless a seal is used; but the trustees can adopt any seal they please, although an official seal with the number and designation of the section engraved thereon, is the best. If trustees sign agreements without a seal, they are individually responsible for the fulfilment of such agreements, but not the corporation.

"3. VOLUNTARY SUBSCRIPTIONS.—If a school meeting adopts the method of voluntary subscription to support the school, each person acts voluntarily, in subscribing or not, as he pleases, whether rich or poor; and when trustees have to resort to a rate on property, (as authorised by the latter part of the 7th clause of the 12th section of the school act of 1850,) to raise the balance required to defray the expenses of the school, they cannot levy any higher rate in the pound upon the property of the man who would not voluntarily subscribe a penny to the school, than upon the property of the man who subscribed ten pounds.

"Trustees are not required to go through the whole section to solicit subscriptions. It is as absurd as it is unjust, to impose upon them such a burden. They can, however, do so if they choose; or they can send a collector and pay him for his trouble; or they can let all come and subscribe who please, which is the true and liberal meaning of the phrase, 'providing for the support of a school by voluntary subscription.' Others have just as much reason and interest to come to the secretary-treasurer and subscribe, as trustees have to go and solicit them. But if five shillings are not voluntarily subscribed, the trustees can raise all the rest they require by a rate on property, as authorised by the latter part of the 7th clause of the 12th section of the school act of 1850.

"4. COLLECTOR, AN AGENT.—The collector was your officer or agent, doing the work which you had appointed him to do, in consequence of which, he was subjected to considerable expenses. It would be unjust as well as dishonorable to throw such expenses upon the collector—expenses incurred in consequence of his obedience to the authority of the trustees, and in taking the legal steps required to collect moneys for school section.

"Should the trustees refuse to indemnify the collector, I would advise him to sue them. The 7th clause of the 12th section of the school act, authorises the trustees to levy and collect sums for paying the salary of their teacher, and all other expenses of

their school, and they are the judges of such expenses. In numerous instances, the trustees have levied for law expenses incurred in defending themselves against persons who denied their authority to do certain things; and their authority to do so has been held undoubted. The expenses in the case of your collector, are as clearly lawful as if the trustees instead of him had been subject to expenses in the performance of their duty."

GENERAL FORMS AND INSTRUCTIONS FOR COMMON SCHOOLS.

ANNUAL SCHOOL MEETING NOTICE.

The undersigned Trustees of School Section, No. , in the Township of hereby give notice to the Freeholders and Householdors of said School Section, that a Public Meeting will be held at , on the second Wednesday in January, 18 at the hour of Ten o'clock in the forenoon, for the purpose of electing a fit and proper person as a School Trustee for the said Section.

Dated this day of , 18 .

A. B.,	} Trustees of School Section No. .
C. D.,	
E. F.,	

REMARKS.—The above notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places in the School Section, at least six days before the holding of the meeting. The manner of proceeding at the Annual Meeting is prescribed in the sixth section and the day and the hour by the second section of the Act.

Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of one pound five shillings, recoverable for the purposes of the School Section, and then any two householders of the School Section are authorized within twenty days thereafter, to call such meeting. See ninth section of the same Act.*

FORM OF NOTICE OF ELECTION.

School Section, No. ,
Township of , 18

SIR,—In conformity with the Common School Act, 13th and 14th Victoria, chap. 48, section 5, we have the honor to inform you that, at a meeting of the Freeholders and Householdors of School Section, No. , in the Township of , held according to law, on the day of , [Here insert the name or names and address of the person or persons elected] chosen School [Trustee or Trustees] of said Section.

We have the honor to be, sir,

• Your obedient servants,

D. E., Chairman,
F. A., Secretary.

To the Local Superintendent of Schools.

* If the meeting is held on the day and at the hour fixed by law, though without Trustees' notice. Such meeting is legal, but the Trustees are responsible.

NOTICE OF SPECIAL SCHOOL ELECTION MEETING.

Notice is hereby given to the Freeholders and Householdors of School Section, No. in the Township of , that a Public Meeting will be held at , on the day of , at the hour of of the clock, in the , for the purpose of electing a proper person as School Trustee, in the place of [deceased, removed, incapacitated from sickness, resignation, or who has refused to serve, as the case may be.]

Dated this day of , 18 .

A. B., } Surviving Trustees, or Trustee,
C. D., } (as the case may be.)

REMARK.—A trustee who refuses to serve, when elected, forfeits the sum of one pound five shillings; but, having accepted office, if he shall at any time refuse or neglect to perform the duties of that office, he shall forfeit the sum of five pounds, recoverable for the purposes of the school section; but a trustee cannot be re-elected without his own consent. (See eighth section of the Act.) The mode of proceeding at a meeting called as above is the same as at an ordinary election at the annual school section meeting.

NOTICE OF SPECIAL SCHOOL MEETING.

Notice is hereby given to the Freeholders and Householdors of School Section, No. in the Township of , that a Public Meeting will be held at , on the day of at the hour of of the clock for the purpose [Here state the object or objects of the meeting.]

Dated this day of , 18 .

A. B., } Trustees.
C. D., }
E. F., }

REMARKS.—It belongs to the office of Trustees to estimate and determine the amount of the teacher's salary and all expenses connected with the school; but it appertains to the majority of the freeholders and householders of each school section, at a public meeting called for the purpose, to decide as to the manner in which such expenses shall be provided for; whether, 1st by voluntary subscription, 2nd, by rate-bill of not more than one shilling and threepence per month, per pupil attending the school, or 3rd, by rate on all the freeholders and householders of the school section according to property. And should not a sufficient sum be provided by either of these means to meet the expenses incurred for school purposes, the trustees are authorized by the latter part of the 7th clause of the 12th section, to provide the balance by a rate on property as they may think proper. But for all the money received and expended by them, the Trustees must account annually to their constituents as prescribed in the eighteenth clause of the twelfth section. Besides calling annual school section meetings, trustees are authorized to call special meetings to consider the site and erection of a school-house, the mode of raising a teacher's salary, or for any

school purpose whatever. The object or objects of each school meeting should invariably be stated in the notices calling it; and the three notices calling any school meeting should in all cases be put up six days before holding such meeting.

ALTERATION OF BOUNDARIES

Notification to Trustees of the alteration in the boundaries of their School Section

Township Clerk's Office,

, 18 .

SIR,—In conformity with the fourth clause of the eighteenth section of the Common School Act, 13th and 14th Vic., chap. 48, I have to acquaint you that the Municipal Council of this Township has altered the School Section of which you are Trustee, in the following manner : [*Here insert the changes which have been made, and the description of the new School Section.*] These changes will go into effect from and after the twenty-fifth day of next December, according to the clause of the Act above referred to.

You will please communicate this notice to the other Trustees of your School Section.

I am, sir,

Your obedient servant,

A. B., Township Clerk.

To D. E.,

Trustee of School Section No. , Township of

REMARK.—In giving notice of the formation of union school sections, see the remarks at the end of the following form :

Form of intimation to the Local Superintendent of Schools of alteration in School Sections.

Township Clerk's Office,

, 18 .

SIR,—In conformity with the fourth clause of the eighteenth Section of the Common School Act, 13th and 14th Vic., chap. 48, I have to acquaint you that the Municipal Council of this Township has altered School Section, No. , in the following manner : [*Here insert the changes which have been made, and the description of the new School Section.*] These changes go into effect from and after the twenty-fifth day of next December, according to the fourth clause of the 18th section of the Act referred to.

I am, sir,

Your obedient servant,

A. B., Township Clerk.

To the Local Superintendent of Schools.

REMARKS.—When the Union School Section is formed or altered, as authorized by the fifth proviso of the fourth clause of the eighteenth section, the clerk of the Township in which the school-house of such union section is situated, should communicate the requisite notices to the parties concerned. See sixth proviso of the fourth clause of the eighteenth section, compared with the fourth section of the Act.

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FORM OF RECEIPT

to be given by the Collector, on receiving the amount named in the Rate-Bill.

Received from [*here insert the person's name*] the sum of [*here write the sum in words*] being the amount of his [*or her*] Rate-Bill, for the [*Month or Quarter, &c.*] ending on the day of 18 .

Dated this day of 18 .

A. B., Collector.

REMARKS.—1. The Collector should take a receipt from the secretary-treasurer, for all moneys paid him. The secretary-treasurer should also take a receipt from the teacher for all moneys paid him. The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

2. The trustees can raise the school fees by voluntary subscriptions, if they please. They can also appoint the school teacher to act as collector, if he chooses to accept of the appointment, and to give the required security. The trustees can also, if they judge it expedient, impose any rate-bill which they may think necessary for renting, and repairing and furnishing a school house, or for the teacher's salary, upon the inhabitants of their school section, or they can apply to the municipality of their township to impose and collect such rate for those purposes. Should the township council refuse to comply with the request of the trustee representatives of a section to impose and collect such rate, the trustees can, without further delay, proceed at once to impose and collect the rate themselves.

3. As the school accounts of each year must be kept separate by the Chief Superintendent of Schools, so must the rate-bills. The rate-bills and the warrants can be made out for a month, or for one or more quarters of a year, at the same time, as the trustees may think expedient.

4. Those parents and guardians who pay the rate-bills to the secretary-treasurer, or collector, within ten days from the date of such rate-bill, and without being called upon for it, will be exempt from paying the collector's fees.

5. The collector, by virtue of the warrant from the trustees, can enforce payment of the rate-bill by distress and the sale of goods, from any person who resides, or has goods and chattels within the limits of the school section. For the mode of proceeding by the trustees, in case of persons rated, who may not at the time of collecting the rate bill, reside, or have goods and chattels within the limits of the school section, see eleventh division of the twelfth section of the act of 1850, and the 22nd section of the Supplementary Act of 1853.

6. The trustees should make the apportionment for fuel in money, as one item in the rate-bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the school. In case any person should fail to pay the amount of his wood-bill, in the manner and at the time prescribed by the trustees, the payment should, of course, be enforced in the same manner as that of the school teacher's salary, and the amount thus collected, paid for the purchase of wood.

7. But, as no rate-bill can exceed 1s. 3d. per month, the price of fuel and the school fees &c., must be included in that amount.

FORM OF DEED

for the site of the Common School House and Teacher's Residence.

This indenture, made the day of , in the year of our Lord one thousand eight hundred and , in pursuance of the act to facilitate the conveyance of real property, between , of the Township, [Town, or City] of , and province of Canada, of the first part, and the Trustees of School Section Number in the Township of , in the County of , and Province aforesaid, of the second part. Witnesseth, that in consideration of , of lawful money of Canada, now paid by the trustees of the School Section aforesaid, to the said party of the first part, the said party of the first part hereby grants unto the trustees of the school section aforesaid, their successors and assigns for ever, all that parcel of land, &c.

In trust for the use of a Common School, in and for School Section Number , in the Township of , and in the County and Province aforesaid

The said , covenants with the Trustees of the School Section aforesaid, that he hath the right to convey the said lands to the Trustees of the School Section aforesaid. And that the Trustees of the School Section aforesaid shall have quiet possession of the said lands, free from incumbrances. And the said covenants with the Trustees of the School Section aforesaid, that he will execute such further assurances of the said lands as may be requisite.

In witness whereof, the said parties hereto have hereunto set their hands and seals in the day and year before mentioned.

A. B. [Seal.]

C. D. }

E. F. }

G. H. }

Corporate Seal. Trustees.

Signed, sealed, and delivered in presence of

O. K. }

K. K. }

Witnesses.

REMARKS.—1. If the grantor be a married man, his wife's name must be inserted in the deed, and this phrase added after the word "requisite:" And, , wife of the said , hereby bars her dower in the said lands.

2. When, however, the land has descended to the wife in her own right, she must, besides joining with her husband in the conveyance, appear before two justices of the peace, to declare that she has parted with her estate in the land intended to be conveyed, without any coercion or fear thereof by or on the part of her husband; and the certificates of such justices must appear on the back of the conveyance the day of its execution. The form of the certificate is as follows: "We the undersigned Justices of the peace for , do hereby certify that on day of , 18 , at , the within deed was duly executed in the presence of by wife of , one of the grantors therein named; and that the said at the said time and place, being examined by us, apart from her husband, did appear to give her consent to depart with her estate in the lands mentioned in the said deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or of any other person or persons whatsoever.

" ———, J. P."

" ———, J. P."

3. If the deed be for the site of a school-house in a city, town or incorporated village, the words, board of school trustees for such city, town, or village, should be inserted instead of the words "Trustees of school section number," &c., in the foregoing form. See the twenty-fourth and twenty-sixth sections of the Act.

FORM OF AGREEMENT

Between Trustees and Teacher.

We, the undersigned, Trustees of School Section No. , in the Township of , by virtue of the authority vested in us by the fifth clause of the twelfth section of the School Act, 13th and 14th Vict., chap. 48, have chosen—[*Here insert the Teacher's name*—] who holds a class certificate of qualification, to be a teacher in said School Section; and we do hereby contract with and employ such teacher, at the rate of [*here insert the sum in words in currency,*] per annum, from and after the date hereof; and we further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay the said Teacher, during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher, quarterly, [*&c., as the case may be.*] And the said Teacher hereby contracts and binds himself [*or herself*] to teach and conduct the School, in said School Section, according to the regulations provided for by the said School Act. This agreement to continue [*here insert the period of agreement*] from the date hereof.

Given under our hands and seals, this day of , 18 .

O.K.

A. B.	{	<i>Corporate Seal.</i>	} Trustees.
C. D.			
E. F.			
G. H.			

[*Seal.*] Teacher.

REMARKS.—This agreement must be signed by at least two of the trustees, and the teacher, and must also have the *corporate seal* of the section attached to it, otherwise the trustees may be made *personally responsible* for the fulfilment of their agreement, should they be sued by the teacher. It should also be entered in the trustees' book, and a copy of it given to the teacher. The trustees being a corporation, their agreement with their teacher is binding on their successors in office; and should they refuse or wilfully neglect to exercise the corporate powers vested in them, they can be made personally liable for the amount due a teacher—see sixteenth clause of the twelfth section. But should such agreement be made between the first October and the second Wednesday in January, either party may withdraw after the annual school meeting, unless the agreement shall have been signed by two of the trustees whose term of office extends beyond such second Wednesday in January, as provided for in the 11th section of the Supplementary School Act of 1853. And on the other hand, the teacher is equally bound to faithfulness in the performance of his duties, according to the school law and regulations. See sixteenth section of the School Act of 1850, and the general regulations on the *Duties of Teachers*. No dispute between trustees and a teacher can be brought into any court of law or equity but must be settled by arbitration, as provided in the 17th section of the Act of 1850, and 15th section of the Supplementary Act of 1853.

GENERAL FORM OF CERTIFICATE OF QUALIFICATION

for Common School Teachers in Upper Canada, to be granted by County Boards of Public Instruction, in accordance with the Programme of Examination.

This is to certify that of the faith, having applied to the Board of Public Instruction for the [*County, School Circuit, or United Counties*] of

for a certificate of Qualification to teach a Common School, and having produced "satisfactory proof of good moral character," the Board has carefully examined [him or her] in the several branches of study enumerated in the "Qualifications of [third, second, or first, as the case may be] class Teachers," contained in the "Programme of the Examination and Classification of Teachers of Common schools, prescribed by the Council of Public Instruction for Upper Canada," adopted the 3rd day of October, 1850 : and having found the said well qualified to teach the several branches therein named, the Board, as authorised by the 29th section of the Act, 13th and 14th Victoria, chapter 48, hereby licenses him [or her] to teach any Common School in the

[If a first class certificate, here insert the name of the county, school circuit, united counties, or city ; if a second class certificate, the name of the township ; and if a third class certificate, the name of the school section in which the candidate is authorised to teach—all to be determined, at the discretion of the Board.]

This Certificate of qualification to remain in force [for one year from the date hereof, or until annulled according to law—to be determined by circumstance, and the class of the certificate granted.]

Dated this day of one thousand eight hundred and

, Chairman.

Local Superintendent.

(This certificate must have the signature
of a Local Superintendent of Schools.)

REGULATIONS FOR THE EXAMINATION

and Classification of Teachers of Common Schools, by the County Boards, prescribed by the Council of Public Instruction for Upper Canada.

N. B.—Candidates are not eligible to be admitted to examination, until they shall have furnished the examiners with satisfactory evidence of their strictly temperate habits and good moral character.

MINIMUM QUALIFICATIONS OF THIRD CLASS TEACHERS.

Candidates for certificates as third class teachers, are required :

1. To be able to read intelligibly and correctly any passage from any common reading book.
2. To be able to spell correctly the words of an ordinary sentence dictated by the Examiners.
3. To be able to write a plain hand.
4. To be able to work readily, questions in the simple and compound rules of arithmetic, and in reduction and proportion, and to be familiar with the principles on which these rules depend.
5. To know the elements of English grammar, and to be able to parse any easy sentence in prose.
6. To be acquainted with the elements of geography, and the general outlines of the globe.
7. To have some knowledge of school organization and the classification of pupils.
8. In regard to teachers of French and German, a knowledge of the French or German grammar may be substituted for a knowledge of the English grammar; and the certificates to the teachers expressly limited accordingly.

MINIMUM QUALIFICATIONS OF SECOND CLASS TEACHERS.

Candidates for certificates as second class teachers, in addition to what is required of candidates for third class certificates, are required :

1. To be able to read with ease, intelligence and expression, and to be familiar with the principles of reading and pronunciation.
2. To write a bold free hand, and to be acquainted with the rules of teaching writing.
3. To know fractions, involution, evolution, and commercial and mental arithmetic.

[Female candidates for this class of certificates will only be examined in practice and mental arithmetic.]

4. To be acquainted with the elements of book-keeping.
5. To know the common rules of orthography, and to be able to parse any sentence in prose or poetry, which may be submitted ; to write grammatically, with correct spelling and punctuation, the substance of any passages which may be read, or any topics which may be suggested.
6. To be familiar with the elements of mathematical, physical, and civil or political geography, as contained in any school geography.

MINIMUM QUALIFICATIONS OF FIRST CLASS TEACHERS.

Candidates for certificates as first class teachers, in addition to what is required of candidates for third and second class certificates, are required :

1. To be acquainted with the rules for the mensuration of superficies and solids, and the elements of land surveying.
2. To be familiar with the simple rules of algebra, and to be able to solve problems in simple and quadratic equations.
3. To know the first four books of Euclid.
4. To be familiar with the elements and outlines of general history.
5. To have some acquaintance with the elements of vegetable and animal physiology, and natural philosophy, as far as taught in the fifth book of national readers.
6. To understand the proper organization and management of schools and the improved methods of teaching.

N. B.—Female candidates for first class certificates will not be examined in the subjects mentioned in the first three paragraphs under this head.

REGULATIONS FOR THE EXAMINATION

Of Candidates for Masterships of County Grammar Schools, adopted by the Council of Public Instruction for Upper Canada.

Candidates for Masterships of County Grammar Schools shall be examined as to their knowledge of, and ability to teach, the subjects, and books, or portions of books, in which the Senate of the University of Toronto requires candidates to be examined for honors and scholarships at matriculation in any College affiliated with that institution, as contemplated by the 5th section of the Grammar Schools Amendment Act, 16 Victoria, chap. 186. [See *University Programme*, page 114.]

Note.—The Committee of Examiners of Candidates for Masterships of County Grammar Schools in Upper Canada, hold their examinations quarterly, in the Normal School Buildings, Toronto,—commencing on the first Monday of January, April, July, and October, in each year. Candidates are required to send in their names to the Chairman of the Committee, at least one week previous to the day of Examination.

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DIGEST AND EXTRACTS OF DECISIONS OF THE SUPERIOR COURTS OF
LAW, ON SCHOOL QUESTIONS.

BY THE COURT OF QUEEN'S BENCH.

I.—Local Superintendent and Trustees Signing a Contract with a Teacher.

A Local Superintendent signing together with Trustees, a contract with a Teacher, will be considered as having signed the same only as approving of the appointment, and not as contracting with the Teacher.—3 U. C. ~~Q. B.~~ R. 241.* *faulstich v. Elliott et al.*

II.—Parties to sue for a Trespass—Trustees or Teacher.

Under the forty-fourth section of the School Act of 1843, 7 Vic. c. 20† the Trustees of the school, and not the Teacher, should sue for a trespass to the school house; unless it can be shown that the Trustees have given the Teacher a particular interest in the building, beyond the mere liberty of occupying it during the day for the purpose of teaching.—3 U. C. ~~Q. B.~~ R. 484. *Monaghan v. Ferguson et al.*

III.—Trustees agreeing to furnish fuel, must be applied to for same.

A Teacher charged Trustees upon a special agreement stated to have been made by them, to furnish said Teacher with fuel when required, *Held*, that they could not be charged with a breach of covenant, as a request with time and place had not been stated in Teacher's declaration.—5 U. C. ~~Q. B.~~ R. 535. *Anderson v. Vanantwerp et al.*

IV.—Teacher's agreement with Trustees not under Corporate Seal.—Their refusal to sign an Order on the Local Superintendent—Board and Lodging for Teacher.

1. In an action brought by a Teacher against Trustees appointed under the School Act of 1846, 9 Vic. c. 20,† setting out a special agreement to retain said Teacher in their employment for a year at a certain salary; and also in a special action brought by the Teacher, founded on a verbal agreement for wrongfully and without cause turning the Teacher away, and preventing him thereby earning his salary, &c., *Held* in both cases that the declaration was bad, in not stating that the agreement was made by the Trustees with their corporate seal.

2. If the School Trustees refuse to sign the order upon the Local Superintendent for the payment of the School Fund as provided for by the Act, they may be proceeded against by Mandamus; or perhaps they may be sued in a special action for not making the order; but they cannot be sued for the money, as that is not in their hands.

3. Trustees have no power under the School Act to make an agreement for providing the Teacher with board and lodging.—7 U. C. ~~Q. B.~~ R. 130. *Zeimer v. Trustees*

V.—Responsibility of Treasurer to honor Trustees' Orders, (applies to Cities, Towns and Villages.)

That portion of the rate which by the enactment of law goes into the hands of the Treasurer, is subject to the order of the Trustees. He may not have received the money, or may refuse to obey their order, but in neither case can they be liable to an action for not paying the money. They are public officers, who have only to discharge their proper duty. If they refused to make an order, a Mandamus would lie against them, or perhaps a special action for not making the order, but not an

* U. C. Q. B. R.—Upper Canada Queen's Bench Reports. The first four cases are taken from Mr. R. A. Harrison's admirable Digest of the Queen's Bench Reports.

† The same under the present school laws.

action for the money, for that is not in their hands. If the Treasurer fails in his duty he is liable to indictment, and might be found liable also to a remedy by action.—7 U. C. ~~Q. B.~~ R. 138.

VI.—Boards of School Trustees and Municipal Councils in Cities, Towns and Villages.

1. The School Trustees in cities, towns and villages, have unlimited discretion under the twenty-fourth section of the School Act of 1850, as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon school section trustees in Townships.

2. When an estimate of the sum required for school purposes was sent to the Municipal Council, by the Board of School Trustees, and the Council recognized the presentation of such estimate by paying a portion of the amount, and submitted to court their reasons for refusing to pay the balance, *Held* that by such recognition of the Trustees' estimate, they were precluded from pleading that it had not been laid before them as the law required.—9 U. C. ~~Q. B.~~ R. 302.

VII.—Meaning of "Taxable Inhabitants," in Cities, Towns, and Villages.

Persons who are rated for statute labor only, and who are not householders, are not taxable inhabitants within the meaning of the twenty-second section of the School Act of 1850, and cannot therefore vote at the election of School Trustees.—9 U. C. Q. B. R. 682.

VIII.—Separate Schools.

The court refused to interfere by Mandamus on the application of the Trustees of a Roman Catholic Separate School, to compel the Board of School Trustees of a town to pay over to them a certain sum claimed as their share of the "Common School Fund": 1st. Because it could not be said to be clear and without question, what sum the applicants were entitled to, or in what fund they had a right to share under the provisions of the act. 2nd. Because the applicants before coming to the court should at least have been able to show that they had submitted their complaint to the Local or Chief Superintendent, and that he had refused to entertain it; and *quære*, whether the decision of the Chief Superintendent upon such a complaint would not be final. 3rd. Because the application should not have been made on behalf of the Trustees, but on behalf of the Teacher of the Separate School, as being the person entitled to the money.—10 U. C. Q. B. R. 469.

IX.—Decisions on School Questions by the Chief Superintendent.

The duties imposed upon the Chief Superintendent and the several Local Superintendents by the School Acts, show that the Legislature intended to provide a domestic forum for the settlement of school questions; and the reference of several other matters involving legal considerations to arbitration, answers the objection sometimes urged that the Legislature did not mean legal questions to be determined by an officer who, perhaps, might not be versed in legal technicalities. It appears therefore, looking at the whole scope of the acts, that it was supposed the affairs of the schools could be managed by means of arbitrators, and references to the Local Superintendent, and finally to the Chief Superintendent, without troubling the Courts.—10 U. C. ~~Q. B.~~ R. 475.

X.—Authority of a Majority of School Trustees—School Site.

Two of the Trustees of a school section are not competent to act in all cases without consulting the third, and giving him an opportunity of uniting in or opposing the acts of his colleagues, nor can the whole body of Trustees, without any reference to the freeholders and householders of the section, determine upon a site for the school house, and impose a rate to meet the expense of its purchase.—12 U. C. ~~Q. B.~~ R. 377.

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XI.—Alteration and Union of School Sections.—Election of Trustees.—Collection by Warrant.

1. An alteration in the boundaries of a school section under the fourth clause of the eighteenth section of the School Act of 1850, does not constitute it a new section, nor make it necessary to call a school meeting to elect new Trustees. Such an alteration only involves a change of parties, from being members of one school section, and becoming members of another school section, and takes effect the 25th December next after. Nor is it necessary to show that the people desire an alteration of the boundaries to authorize the Council to make it.

2. The union of two or more school sections into one, may take place at any period of the year, and would then require a new election of Trustees.

3. Trustees are bound to collect by Warrant from the residents of the school section; and to sue for and recover by their name of office from persons residing without the limits of the section and making default of payment. *in the same township*
 R. 525. *The Superintendent is in the position of a trustee of the school.*

XII.—Rate for the Erection of a School-House.

Under the fourth clause of the twelfth section of the School Act of 1850, Trustees have full power to levy a rate for the erection of a school house for their section.—12 U. C. Q. B. R. 581.

XIII.—Rate of Interest to be raised by Municipal Councils.

Municipal Corporations cannot, by by-law, provide for money at a rate of interest exceeding six per cent.—13 U. C. Q. B. R. 218. *Municipal Councils are not to be bound by the rate of interest.*

XIV.—Township levying School-Money for County purposes.

1. A Township by-law was quashed in so much of it as related to the raising of a sum of money, to defray the demands of the County Council on the township, and as an equivalent to the Legislative School grant; it not appearing on the face of the by-law that it was directed to the purpose of meeting a deficiency.

2. It follows therefore that a Township Council has not power to pass a rate in aid of any county rate, as the thirty-first section of the Act 16 Vic. c. 182, authorises the County Councils to pass by-laws to raise money for County purposes, and the Township Council for township purposes; and the twenty-seventh section of the Act 13 and 14 Vic. c. 48, expressly makes it the duty of the County Council (and not the Township Council) to cause to be levied each year upon the several townships of the County, such sums of money as shall at least be equal, clear of all charges of collection, to the amount of school money apportioned to the several townships out of the government grant.—13 U. C. Q. B. R. 129. *It is the duty of the County Council to raise money for County purposes.*

XV.—Disuniting union sections of adjoining Townships, and uniting two or more into one.

The Municipal Council of a Township passed a by-law, disuniting a union section with another Township, and uniting such part section and two distinct sections into one, after a petition from certain inhabitants of the sections concerned; Held—*in their own township*

1. That the Council was not bound to give notice to the inhabitants of that part of the union section belonging to the other Township—it being out of their jurisdiction; but in regard to the parties within their authority, to be satisfied that due notice has been given. *they are required to be satisfied* They are made the judges of such “due notice.”

2. The authority of a Township Council “to alter any school section already established,” is one to which no restriction, save notice, is attached; but that “to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections,” is accompanied with a restriction at once *the authority*

expressed; and which restriction does not, by grammatical construction, extend to the power of merely altering boundaries. In the Supplementary Act, the "restrictions in regard to alterations" are spoken of as distinct from any other expression.

3. The intention of the fourth clause of the eighteenth section of the School Act of 1850, is, that in a measure for merely altering the boundaries of sections, the Township Council may take the initiative; and can act without any previous request of a public meeting; but if they enter it of their own accord, they must see that all parties to be affected by the alteration have been duly notified of the intended step; and if they have been applied to on the subject, they are not bound to entertain it until they see that due notice has been given.

4. The intention of the seventeenth section of the Supplementary Act, is that the Township Council may pass a by-law for bringing back exclusively to their own jurisdiction, any part of the Township united to another; and that they may make what arrangement they think most convenient for giving the inhabitants the benefit of the Common School laws; but they cannot do so unless it clearly appears that all parties have had due notice—*Ness v. Municipality of Saltfleet. Mich. 1855.**

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BY THE COURT OF COMMON PLEAS.

XVI.—Property liable to Taxation for School Purposes.

Where the municipal council of a Township, intending to act under the Statute 13 and 14 Vic. c. 48, s. 18, ch. 3, for common school purposes, levied a rate upon the resident inhabitants of a school section only, it was held, that under the school act, as well as the Municipal and Assessment acts, the by-law was invalid, because the rate should be levied on all *taxable property*, whether real or personal, of the inhabitants resident as well as non-resident.—2 U. C. C. P. R. 317.†

XVII.—By-Laws levying School Rate.

A by-law of a Township Council authorizing the levy of certain rates in a school section having been quashed, the council then without a second school section meeting having been called, passed another by-law for the same purpose, it was held:—

1. That the discretion to raise the sum within any number of years, not more than ten, rests as much with the council as with the school meeting or trustees.

2. That the rate was not declared on the property assessed in a previous year; but only the amount to be raised was determined by reference to the assessed value of property in that year.

3. That the rate not been complained of as excessive, its being calculated to realize more than the precise sum required, did not render the by-law invalid.

4. That a second meeting of the inhabitants after the former by-law had been quashed, was not necessary.

5. That the duty imposed on the clerk in making out the assessment list of the section in accordance with the Township by-law, was in accordance with the Statutes.

6. That a proviso of the by-law sanctioning receipts, *pro tanto*, given to those who had paid under the invalid by-law, did not render the second by-law void—because such parties, although entitled to restitution, would have to pay *de novo*.—3 U. C. C. P. R. 23.

* This case was not published at the date of printing this sheet.

† U. C. C. P. R.—Upper Canada Common Pleas Reports.

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XVIII.—School-Rate on Non-Resident Land—Corporation in Court.

1. A resolution of the freeholders and householders of a school section passed at their annual meeting, that the trustees should tax the property in such section to pay the teacher's salary and the expenses of the school, followed by a resolution of the Trustees, directing a rate to be levied on the rateable property of such section to raise the sum required, and the preparation of a rate-bill and warrant, is sufficient to render a non-resident, having real estate within the section, liable for the sum rated by the Trustees according to the assessed value of his real property; and that being so liable an executor representing the estate is liable in an action of the same nature to which the testator might have been subjected.

2. A corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on their attorney under Statute 16 Vic. ch. 19 sec. 2. If the individual members are required to appear they may be individually subpoenaed.—4 U. C. C. P. R. 228.

XIX.—Corporate Seal.

1. The Trustees of a school section being a corporation under the School Act of 1850, are not liable as such to pay for a school house erected for and accepted by them, not having contracted under seal for the erection of the same.

2. The seal is required as authenticating the concurrence of the whole body corporate.*—4 U. C. C. P. R. 375.

XX.—Boards of School Trustees and Municipal Councils.

The communication by a Board of School Trustees to the Municipal Council of a town, of a resolution of the Board, that the chairman do order the Town Council to furnish the Board with a sum of money immediately, for the purpose of purchasing a site and erecting a school house—a copy of which resolution was sent to the Town Council—is not a compliance with the sixth clause of the twenty-fourth section of the School Act of 1850, requiring the Board to prepare an *estimate* of the sums it may require; and consequently does not render the Town Council liable to be compelled to pay the amount by mandamus.

A vote of the rate-payers is not necessary in cities, towns and villages—although it is in school sections—to authorize an application to the Town Council, or a rate by the Board.—4 U. C. C. P. R. 418.

GENERAL REGULATIONS FOR THE ESTABLISHMENT AND MANAGEMENT OF PUBLIC SCHOOL LIBRARIES IN UPPER CANADA;

Adopted by the Council of Public Instruction, the 2nd of August, 1853.

1.—ESTABLISHMENT OF LIBRARIES.

The Council of Public Instruction for Upper Canada, as authorized by the thirty-eighth section of the School Act of 1850, made the following regulations for the establishment and management of Public School Libraries :

* "A corporation being an invisible body, cannot manifest its will by oral communication: a peculiar mode has therefore been devised for the authentic expression of its intention,—namely the affixing of its common seal; and it is held that though the particular members may express their private consent by words, or signing their names, yet this does not bind the corporation; it is the fixing of the seal, and that only, which unites the several assents of the individuals composing it; and makes one joint assent of the whole."—*Smith's Mercantile Law, B. I. c. 4.*

I. There may be school section libraries, or township libraries, as each township municipality shall prefer.* In case of the establishment of a township library, the township council may either cause the books to be deposited in one place, or recognise each school section within its jurisdiction as a branch of the township library corporation, and cause the library to be divided into parts or sections, and allow each of these parts or sections of the library to be circulated in succession in each school section.

II. Each township library shall be under the management of the township corporation; and each branch or school section library shall be under the management of the school section corporation. The township council shall appoint or remove the librarian for the township; and each trustee corporation shall appoint or remove the librarian for the school section, as already provided by the seventeenth clause of the twelfth section of the school act of 1850.

III. Each township council and each school section corporation receiving library books, must provide a proper case for the books, with a lock and key; and must cause the case and books to be kept in some safe place, and repair when injured; and must also provide sufficient wrapping paper to cover the books, and writing paper to enable the librarian to keep minutes of the delivery and return of books, and write the needful notes or letters. The members of the township and school section corporations are responsible for the security and preservation of the books in their charge.

IV. When any books are taken in charge by the librarian, he is to make out a full and complete catalogue of them; and at the foot of each catalogue, the librarian is to sign a receipt to the following effect:

"I, A. B., do hereby acknowledge that the books specified in the preceding catalogue have been delivered to me by the Municipal Council of the Township of—, or (as the case may be,) by the Trustees of School Section No.—, in the Township of—, to be carefully kept by me as their librarian, for the use of the inhabitants within their jurisdiction, according to the regulations prescribed by authority of the statute for the management of public school libraries, to be accounted for by me according to said regulations, to said council (or trustees, as the case may be,) and to be delivered to my successor in office. Dated, &c.

Such catalogue, with the librarian's receipt, having been examined by such council or trustees, or some person or persons appointed by them, and found to be correct, shall be delivered to such council or trustees, and shall be kept among their official papers.

V. The librarian is accountable to the trustees or council appointing him, for the cost of every book that is missing, or for the whole series of which it formed a part. The librarian is also accountable, in like manner, for any injury which a book may appear to have sustained, by being soiled, defaced, torn, or otherwise injured; and can be relieved from such accountability only by the trustees or council, on its being satisfactorily shown to them, that some resident within their jurisdiction is chargeable for the cost of the book so missing, or for the amount of injury so done to any work.

VI. The librarian must see that in each book belonging to the library, the number of the book, and the name of the library to which it belongs shall be written, either on a printed label pasted inside the cover of the book, or on the first blank leaf of it; and he is on no account to deliver out any book which is not thus numbered and identified. He is also to cause all the books to be covered with strong wrapping

* This, of course, includes ward, or other authorized branches of a township library.

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paper, on the back of which is to be written the title of the book, and the number in large figures. As new books are added, the numbers are to be continued, and they are in no case to be altered, so that if the book be lost, its number and title must still be continued on the catalogue, with a note that it is missing.

VII. The Librarian must keep a blank book, which may consist of a few sheets of writing-paper stitched together—ruled across the width of the paper so as to leave five columns of the proper size, for the following entries—to be written lengthwise of the paper: In the first column the title and number of the book; in the second column, the name and residence of the person to whom delivered; in the third column, date of delivery; in the fourth column, the date of its return; in the fifth column, remarks respecting the condition of the book, as good, injured, torn, or defaced, &c., in the following form:

TITLE AND NO. OF THE BOOK.	TO WHOM DELIVERED.	WHEN DELIVERED.	WHEN RETURNED.	CONDITION OF THE BOOK.

As it will be impossible for the Librarian to keep any trace of the books without such minutes, his own interest, as well as his duty to the public, should induce him to be exact in making his entries at the time any book is delivered: and when it is returned, to be equally exact in noticing its condition, and making the proper minute.

VIII. The Librarian is to act at all times and in all things according to the orders of the corporation appointing him; and whenever he is removed or superseded, he is to deliver to his successor, or to the order of his trustees or council, all books, catalogues, and papers appertaining or relating to the library; and if they are found to be satisfactory, his trustees or council, or successor in office shall give him a receipt to that effect. But if any of the books shall have been lost, or in anywise injured, the librarian shall account and pay for such loss or injury, unless released by his trustees or council.

IX. The trustees and council are to attend faithfully to the interests of their library; they are at all times, when they think proper, and as often as possible, to examine the books carefully, and compare the books with the catalogue, and note such as are missing or injured; and to see that all forfeitures are promptly collected, and that injuries done the books are promptly repaired, and that the library is properly managed and taken care of.

2. REGULATIONS FOR THE CARE AND USE OF THE LIBRARY BOOKS.

X. The following are the regulations for the care and use of the books in the library:

1. The Librarian has charge of the books, and is responsible for their preservation and delivery to his successor, or to the order of his trustees or council appointing him.

2. A copy of the catalogue of the books is to be made out and kept by the librarian, and open to the inspection of all persons entitled to get books from the library, at all seasonable times, or at such times as may be determined by the trustees or council,

3. Books are to be delivered only to residents of a school section in which a library or branch library is established ; or to the residents of a township, where branch school section libraries do not exist.

4. Not more than one book can be delivered to a person at a time ; and any one having a book out of the library must return it before he can receive another.

5. No person upon whom a forfeiture has been adjudged under these regulations, can receive a book while such forfeiture remains unpaid.

6. Each individual residing in a school section, of sufficient age to read the books belonging to the library, shall be entitled to all the benefits and privileges conferred by these regulations relative to public school libraries ; but no person, under age, can be permitted to take a book out of the library, unless he resides with some inhabitant who is responsible for him ; nor can he receive a book, if notice has been given by his parent or guardian, or person with whom he resides, that he will not be responsible for books delivered to such minor. But any minor can draw a book from the library, on depositing the cost of such book with the librarian.

7. Where there is a sufficient number of volumes in a library to accommodate all the residents of a school section who wish to borrow, the librarian may permit each member of a family to take books as often as desired, as long as the regulations are fully and punctually observed. But where there are not books enough to supply all the borrowers, the librarian must accommodate as many as possible, by furnishing each family in proportion to the number of its readers or borrowers, or by delivering not more than one book at a time for each family.

8. Every book must be returned to the library within as many weeks after it shall have been taken out, as it contains hundreds of pages—allowing one week for the reading of a hundred pages ; but the same person may again take the same book, if application has not been made for it, while it was so out of the library, by any person entitled, who has not previously borrowed the same book—in which case such applicant shall have the preference in the use of it. And where there shall have been several such applicants, the preference shall be according to priority in the time of their applications, to be determined by the librarian.

9. If a book be not returned at the proper time, the librarian is to report the fact to the trustees, and he must exhibit to them every book which has been returned injured by soiling, defacing, tearing, or in any other way, before such book shall be again loaned out, together with the name of the person in whose possession it was when so injured.

10. For each day's detention of a book beyond the time allowed by these regulations, the forfeiture of one penny shall be incurred by the borrower,* and shall be payable forthwith to the librarian.

11. For the destruction or loss of a book, a forfeiture shall be incurred by the borrower, equal to the cost of the book, or of the set, if the book be one of a series. And, on the payment of such forfeiture, the party paying it shall be entitled to the residue of the series.

12. For any injury which a book may sustain by a borrower, and before its return, a forfeiture shall be incurred by such borrower, of not less than three pence half-penny for every spot of grease or dirt upon the cover, or upon any leaf of the volume ; for writing in or defacing any book, or for cutting or tearing the cover, or the binding, or any leaf, not less than six-pence nor more than the cost of the book.

* A forfeiture of six cents per day is imposed in each similar case, in the State of New York

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13. If a leaf be torn out, or so defaced or mutilated that it cannot be read, or if anything be written in the volume, or any other injury done to it, which renders it unfit for general circulation, the trustees shall consider it a destruction of the book, and the forfeiture shall be incurred accordingly, as above provided in case of the loss of a book.*

14. When a book shall have been detained seven days beyond the time allowed by these regulations, the librarian shall give notice to the borrower to return the same within three days. If not returned within that time, the book may be considered as lost, and the forfeiture imposed in such case as incurred accordingly.

15. When, in the opinion of the librarian, any forfeiture has been incurred by any person under these regulations, he shall refuse to deliver any book to the party liable to such fine, until the trustees shall have decided upon such liability.

16. It is the special duty of the librarian to give notice to the borrower of a book that shall be returned injured, to show cause why he should not pay the forfeiture incurred. Such notice may be given to the agent or child, or sent to the house of the borrower who returns the book; and it shall always, if possible, be given at the time the book is returned.

17. The librarian is to inform the trustees of every such notice given by him, and they shall assemble at the time and place appointed by him, or by any notice given by them, or any one of them, and shall hear the case. They are to keep a book of minutes, in which every forfeiture which, in their judgment has been incurred, shall be entered and signed by them, or the major part of them, or by their secretary on their order, and these minutes, or a duly certified copy of them, shall be conclusive evidence of each of the facts recorded in them.

18. It shall be the duty of the trustees to prosecute promptly for the collection of the forfeitures adjudged by them, and all forfeitures shall be applied to defraying the expenses and increasing the books of the library.†

3. MISCELLANEOUS REGULATIONS.

XI. The foregoing regulations apply to branch school section libraries, as well as to school section libraries; also to township councils the same as to trustees of school sections, and to township libraries, the same as to school section libraries, and to the residents in a township in which there are no school section libraries, the same as to the residents of a school section; likewise to the librarian of a township, the same as to a librarian of a school section.

XII. When a township councillor or a school trustee shall be notified as having incurred a forfeiture for detaining, injuring, or destroying a book borrowed from a library, he shall not act as a judge in his own case, but such case shall be decided upon by the other members, or a majority of them, of the township council or school corporation authorized to act in the matter. In all cases the acts of a majority of a corporation are to be considered as the acts of the corporation.

XIII. In order to prevent the introduction of improper books into libraries, it is required that no book shall be admitted into any public school library established under these regulations, which is not included in the catalogue of public school library books, prepared according to law.

* These forfeitures are the same as in similar cases in the State of New York.

† Forfeitures incurred under these regulations must be sued for in the Division Court according to the Interpretation Act, 12 Vict. Chap. 10.

XIV. The Council or trustees have authority, if they shall think proper, (according to the common practice of circulating libraries) to require the borrower to deposit with the librarian a sum equal to the cost of the book taken by him, as a security for its safe return and the payment of any injury which may be done to it.

XV. These regulations shall apply to cities, towns, and incorporated villages the same as to school sections. By the 3rd clause of the 24th section of the School Act of 1850, the board of school trustees in each city, town, and incorporated village has the same authority to establish and maintain "a school library or school libraries," as the trustees of a school section have by the 17th clause of the 12th section of the same act, to establish and maintain "a school library."

XVI. The foregoing regulations being made under the express authority and requirement of the 38th section of the School Act of 1850, are binding upon all parties concerned in the establishment, support, management, and privileges of public school libraries; and all parties act with a full knowledge of these regulations.

XVII. The local superintendents of schools should inspect and inquire into the state and operations of the libraries or branch libraries within their respective jurisdictions, and give the results of their observations and inquiries in their annual reports; and each township and school section corporation must report annually, at the time of making the annual school reports, the condition of their libraries, with the number of volumes in each, and the success and influence of the system.

XVIII. These regulations will be subject to re-consideration and revision from time to time, as experience and the circumstances of the country may suggest.

LEGISLATIVE PROVISION IN AID OF WORN OUT COMMON SCHOOL TEACHERS IN UPPER CANADA.

No. 1.—REGULATIONS ADOPTED BY THE COUNCIL OF PUBLIC INSTRUCTION *For Upper Canada, pursuant to the provisions of the Act.*

1. Old teachers who have become superannuated on or before the 1st day of January, 1854, and who produce the proofs required by law of character and services as such, may share in this fund according to the number of years they have respectively taught a Common School in Upper Canada, either by depositing with the Chief Superintendent of Schools the preliminary subscriptions to the fund required by law, or having the amount of such subscriptions deducted from the first year's pension payable to such superannuated teacher.

2. Every teacher engaged in teaching since 1854, in order to be entitled, when he shall have become superannuated, to share in this fund, must contribute to it at the rate of one pound per annum; and no teacher now engaged in teaching shall be entitled to share in this fund who shall not thus contribute to it annually. But the amount of the annual subscriptions for the years during which such teacher may have taught before the 1st day of January, 1854, and for which he may hereafter claim as a superannuated teacher, may be deducted from the first year's pension to which such teacher may be entitled.

3. Should any teacher have a wife and children, subscribed to this fund and die without deriving any benefit from it, the amount of his subscriptions and whatever interest may accumulate thereon, shall be paid to his widow or children, as soon as satisfactory proofs of his decease and the relationship of the claimant or claimants to him shall have been adduced.

4. No teacher shall be eligible to receive a pension from this fund, who shall not have become disabled for further service, while teaching a common school, or who shall not have been worn out in the work of a common school teacher,—it being distinctly understood that persons applying to be admitted as pensioners on this fund are in indigent circumstances. Should it be discovered that the Council have been deceived in any case, any pension granted will be immediately discontinued.

5. All applications, according to the prescribed form, accompanied by the requisite certificates and proofs, must be made before the 1st of April, in order to entitle the applicants to share in this fund for such year.

6. In case the fund shall, at any time, not be sufficient to pay the several claimants the highest sum permitted by law, the fund shall be equitably divided among the several claimants according to their respective periods of service.

7. The amounts of all subscriptions to this fund, and of any unexpended balances of legislative grants made to it, shall be invested from time to time, under the direction of this council, and the interest accruing thereon, shall be expended in aid of superannuated teachers of common schools in Upper Canada, according to these regulations. All annual subscriptions to this fund must be made before the end of the year for which they are intended: and all

8. Communications and subscriptions in connection with this fund, must be made to the Chief Superintendent of Schools for Upper Canada.

Approved by His Excellency the Administrator of the Government in Council, as notified to the Chief Superintendent of Schools, 20th May, 1854.

N. B.—No certificate in favour of an applicant should be signed by any Teacher already admitted as a pensioner on the fund.

No. 2. SUPERANNUATED TEACHERS' APPLICATION. Township of

185 .

Post Office.

Date.

The undersigned, an applicant for aid from the Superannuated Teacher's Fund, hereby most respectfully represents to the Chief Superintendent of Schools—

1. That he is years of age.
2. That he was born (state the country of birth) in
3. That he commenced the profession of teaching in in the year one thousand eight hundred and
4. That he is connected as a member or hearer with the Church.
5. That he commenced teaching a Common School in Upper Canada in school section number in the Township of County of in the year one thousand eight hundred and
6. That he has held certificates of qualification from and that his last certificate is from the Board of Public Instruction, for , is dated , and is for the class.
7. That since he commenced teaching in Upper Canada, he has been engaged as a teacher in the following places :
8. That he has taught a Common School in Upper Canada for the full period of years.
9. That he has worn self out in the work of teaching, and is, in consequence, utterly unable to teach a school any longer.

10. That he ceased teaching the Common School in Section No. _____ in the Township of _____ County of _____ on the _____ day of _____ 18 _____, and that he has not since been employed as a Common School Teacher.

11. That he is now without means of support, and therefore respectfully applies for a pension from the Superannuated Common School Teachers' Fund.

Sign name in full on this line. Name.

REMARKS.—The foregoing application must be filled up in every particular, and be accompanied with the following proofs :

1. Of the good moral character and sober, steady habits of the applicant.
2. Of the length of time such applicant has been engaged in teaching, in Upper Canada, and for which he requires a pension.
3. Medical testimony according to the prescribed form, that the applicant is unable to pursue that profession any longer.

No. 3. MEDICAL CERTIFICATE.

IN RE of _____ applicant for aid out of the Superannuated Common School Teachers' fund of U. C.

THIS IS TO CERTIFY, that, having examined into the case of _____ of _____ I am of opinion that he has worn _____ self out in the work of a Common School Teacher, and that he is affected with _____ which renders him, in my opinion, unable to continue any longer in the efficient discharge of his calling as a Common School Teacher in Upper Canada.

In witness whereof, I, _____ a duly licensed Physician in Upper Canada, hereto subscribe my name, this _____ day of _____ 185 _____

N. B.—Modifications or omissions in filling up the foregoing form, will invalidate the certificate.

No. 4. FORM OF RECEIPT FOR SUPERANNUATED TEACHERS.

Voucher No.

Register No.

Received from the Reverend EGERTON RYERSON, D. D., Chief Superintendent of Schools for Upper Canada, on behalf of the Provincial Government of Canada, the sum of _____ pounds, _____ shillings, and _____ pence, being the amount of a pension granted me, for the _____ ending the _____ day of _____ one thousand eight hundred and _____ out of the superannuated teachers' fund, for _____ years' service as a Common School Teacher in Upper Canada, deducting therefrom _____ my subscription, being at the rate of one pound per annum to said fund, for _____

Witness my hand at _____ in presence of _____ this _____ day of _____ one thousand eight hundred and _____

Witnessed by _____

Pension.....£

Subscription.....£

Balance payable...£

N. B.—This receipt should be witnessed by a Local Superintendent, Minister, Justice of the Peace, Town-reeve, or other official person.

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ANALYTICAL INDEX.

PAGE.		PAGE.		PAGE.	
leivable	46	STUDIES required by Toronto University.	114	TRUSTEES (School) Responsibility of....	140
.....130	138	SUPERIOR COURTS OF LAW, decisions...	50, 151	11, 43, 130, 135, 137, 139	139
.....133		SUPERINTENDENT (Chief) of Schools, du-	58	" " may obtain legal ad-	139
Assess-	137	ties of.....30, 31, 32, 33, 34, 50,	65	vice.....	131
School	153	SUPERINTENDENT, (Chief) duty of, as re-	61, 132	" " a Corporation.....	18
.....63		gards Grammar Schools...59, 60, 61,	132	" " United Boards of...	152
ien of...	34	SUPERINTENDENT, (Chief) decisions of 130,	136	" " Boards of in cities and	53
regard	14	" (Local) duties of.....	24	19 to 23, 39	63
.....14, 43		" " (Local) appointment of	132	TRUSTEES, (Separate School)...	53
Schools	100	" " remuneration of	45	(Grammar School)....	62
.....13, 100		" " (Local) term of office..	45	UNION of School Sections.....	158
ols....	103	" " not to be Teach-	45	" " dissolution of 47	153
11, 12, 2	2	er or Trustee.....	45	" of Common with Grammar Schools	43
tees....	55	SUPERINTENDENT (Local) to have a voice	9	UNIVERSITY of Toronto, a Corporation...	79
ts.....	29	in establishment of Schools.....	38	" " Charter of.....	70
.....33, 38		SUPERINTENDENT (Local) to have copies	51	" " Functions of.....	82
.....51		of proceedings at School Meetings..	17	by.....	114
porters	41, 42	5, 10, 17	152	" Governor to be	81
d.....		TAXABLE INHABITANTS, meaning of.....	152	visitor.....	87
35, 136, 141		TEACHERS, to be engaged by School	151	" " President.....	91
3, 135, 137		Trustees.....	149	" " Property, how vested.....	95
.....97		" qualification of.....13, 26	103	" " how conveyed.....	93
number	152	" duties of.....13, 14, 98	140	" " Management of.....	163
.....152		" examination of.....25, 57	151	UNIVERSITY of Toronto, offices of.....	107
2, 153, 155		" authority of.....	151	" College.....	86
8, 20, 46		" contracts with.....	6	" " Council.....	163
.....140		" salaries.6, 9, 10, 14, 21, 24, 133,	162	" " Professor in.....	87
d.....		" not to be School Trustees....	35	" " Branches taught	87
7, 130, 153		" superannuated.49, 58, 160, 161	34	" " no religious tests	77
.....46		" Institute.....	63	used.....	83
.....153		" (Normal School).....	60	" " Annual report of	88
.....137		" (Grammar School) by whom	104	" " Governor to be	88
.....132		appointed.....	50	visitor.....	106
ded....		" " qualification of	60	UPPER Canada College.....	112
3, 134, 137		" " how paid....	104	" " Studies in.....	164
.....109		Terms,	50	" " Teachers of.....	89
.....110		TOWNSHIP CLERK's, duties of 4, 10, 41, 48	154	" " Powers of Toron-	90
ty....	35	" Municipalities, duty of.....	136	" " to University over	46
es.....		10, 15, 16, 17,	151	VACANCY in office of Local Superintendent	104
1, 151, 155		TREASURER to School Trustees.....8, 36	151	VACATION, (School).....	22
.....8, 36		" (Town) duty of...21, 36, 136	151	VILLAGES, (Incorporated) School Trustees	45
.....24, 36		" (County) duty of...24, 36, 133	151	in.....	81
80, 81, 82		" (Township) duty of 25, 36, 136	151	VISITATION of Schools...10, 14, 27, 39, 43	43
.....18, 33, 51		TRESPASSES on School property.....	151	VISITOR of University, Governor to be...	99
.....41, 54		TRUSTEES, (School) when to be elected,	40	VISITOR'S Book to be kept in Schools...	141
41, 54, 152		".....19, 22, 39, 53	52	" duty of.....	55
returns	55	" " number to be elected,	7	VOLUNTARY SUBSCRIPTIONS for Schools...	6
formed	52	".....18, 19, 22, 23, 45	40	VOTERS at School Elections.....	45
.....37		" " refusal to serve....	45	" at School Meetings.....	46
.....11, 12		" " election of in default.	45	WARDENS (County) to arbitrate in certain	
.....102, 110		" " term of office 19, 22, 23	45	cases.....	
.....108		TRUSTEES (School) powers and duties of	45	" " may appoint Local	
		8, 12, 17, 20, 21, 22, 43, 48, 53, 69, 97,	46	Superintendent in certain cases.....	
		133, 134, 135, 138, 139, 140, 151, 152	155		

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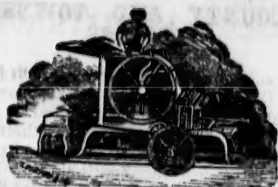
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52, King Street East, Toronto.

TO COUNTY AND TOWNSHIP OFFICERS.

THE subscribers beg to remind their friends in the Municipalities that they now have on hand the various Forms required by Municipal Officers, in the discharge of their functions, and trust by care, attention, and promptitude, to secure the continuation of their patronage. Subjoined is a list of these Forms :

	S. D.
Town Assessment Rolls.....per quire	5 0
Township do.....	5 0
Non-Resident do.....	5 0
Town Assessors' Notice for parties to fill up.....	2 6
Township do.....	2 6
Town Assessors' Notice of Assessment.....	2 6
Township do.....	2 6
Registration Rolls [16 Vic., cap. 153.].....	5 0
Collectors' Rolls for Non-Residents	5 0
Lists for selection of Jurors [four divisions, 13 & 14 Vic., cap. 55, and 14 and 15 Vic., cap. 56.....	7 6
Collectors' Receipts.....per hundred	2 6
Licences [Tavern, Ale and Beer Shops, Recess, Auctioneer, &c.,] sorted.....	5 0
Notice of appointment to office.....	5 0
Oath of Office.....	5 0
Oath of Qualification.....	5 0
Township Officers' Bonds.....per quire	5 0
By-Laws of Townships Election Notices, and other Posting Bills, printed to order with neatness and dispatch.	

THOMPSON & CO.,

Publishers,

52, King Street East.

Toronto, January 1856.

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PERSON & CO.,
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